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THE

Robert A. Cole

LAWS OF WISCONSIN

PASSED AT THE BIENNIAL SESSION OF THE LEGISLATURE OF 1893.

TOGETHER WITH THE

JOINT RESOLUTIONS AND MEMORIALS.

ALSO

POST-OFFICE ADDRESS OF THE CIRCUIT JUDGES, AND TIMES AND PLACES FOR HOLDING CIRCUIT COURTS.

WITH

INDEX OF SESSION LAWS SINCE 1878.

PUBLISHED BY AUTHORITY.

MADISON, WISCONSIN.
DEMOCRAT PRINTING COMPANY, STATE PRINTERS,
1893.

LAWS OF WISCONSIN, 1893.

No. 42, S.] [Published February 13, 1893.

CHAPTER 1.

AN ACT to prescribe the number and duties of the legislative employes, and the compensation of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Officers and employes of senate and assembly.

SECTION 1. The officers of the senate, other than the president *ex-officio* and the president *pro tempore*, shall be one chief clerk, one assistant chief clerk, one journal clerk, one bookkeeper, one assistant bookkeeper, one proof reader, one copy holder, one engrossing clerk, one enrolling clerk, one index clerk, one custodian of the engrossing room, one custodian of the enrolling room, one printing page, one clerk of the judiciary committee, one clerk of the joint committee on claims, one sergeant-at-arms, one assistant sergeant-at-arms, one postmaster, one assistant postmaster, one document clerk, one document room attendant, four doorkeepers, one gallery attendant, who shall act as committee room attendant, two attendants, one janitor, one custodian of committee rooms, one night watchman, one night laborer, and ten messengers. The officers of the assembly, other than the speaker, shall be one chief clerk, one assistant chief clerk, two journal clerks, one bookkeeper, one assistant bookkeeper, one stationery clerk, one proof reader, one copy holder, one index clerk, one engrossing clerk, one enrolling clerk, one custodian of the engrossing room, one custodian of the enrolling room, one printing page, one clerk of the judiciary committee, one sergeant-at-arms, one assistant sergeant-at-arms,

one postmaster, one assistant postmaster, four doorkeepers, two gallery attendants, who shall act as committee room attendants, one general attendant for the assembly chamber, who shall act as policeman, one document clerk, one document room attendant, one porter who shall act as washroom attendant, one night watchman, one flagman, two custodians for committee rooms, and twelve messengers. The chief clerks of the senate and assembly shall appoint their own assistants, and may discharge any of said assistants for cause, or from the cessation of the work which made their employment necessary, and upon extraordinary occasions there may be employed in addition to those named, in each house, not to exceed five general clerks. After the legislature has been in session thirty days, the chief clerks of the senate and assembly may employ for each house an assistant index clerk, an assistant enrolling clerk, an assistant engrossing clerk, one ruling clerk, and four comparing clerks, and the committees on engrossed and enrolled bills of the senate and assembly, and the committee on bills on their third reading in the assembly, shall have power to appoint a clerk, should the good of the service demand it. The chief clerks may employ such copyists as the proper and expeditious transaction of the business of his house may require. Additional clerks for committees may be employed upon extraordinary occasions therefor, but then only upon joint resolution of the two houses. The messengers may be assigned for attendance upon committees when necessary. The sergeant-at-arms of each house shall appoint and have full charge of the employes in his department, and shall have full authority to discharge any employes who are found unqualified and unfit for the service assigned to them and employ competent persons in their place.

Compensation.

SECTION 2. The chief clerks shall receive a salary of eight hundred dollars each for every regular session, and ten dollars *per diem* for each special session, and fifty dollars for opening each session, which shall be in full of all services rendered. The other officers and employes of the senate and assembly shall receive pay *per diem* as follows: The assistant clerks, six dollars each. The journal clerks, bookkeep-

ers, assisant bookkeepers, index clerks and sergeant-at-arms, five dollars each. The proof readers, enrolling clerks, engrossing clerks, stationery clerk, assistant index clerks, assistant sergeant-at-arms, postmasters, document room clerks, document room attendants and general attendants of the assembly, clerk of joint committee on claims and clerk of judiciary committee of each house, four dollars each. The assistant postmasters, assistant enrolling clerks, assistant engrossing clerks, and all other committee clerks, three dollars and fifty cents each. The messengers, two dollars each. All other clerks and employes three dollars each. The copyists shall be paid one dollar per day from the date of their employment, and fifteen cents per folio for enrolling, and ten cents per folio for other copying, the term "folio" meaning one hundred words, full count, and only on accepted work. Every clerk or employe on the chief clerk's or sergeant-at-arms' forces shall assist, when required, at any other work than that to which he is regularly assigned, when the good of the service can be promoted thereby. No *per diem* shall be allowed after the close of the session, except for two days to the index clerks, whose duty it shall be within that time to satisfactorily and fully complete the indexing of the journals, and in case such work is not so completed, a sufficient sum shall be reserved from the pay of the clerk who may make the default, to insure the completion of their work.

Printing of bills, etc.

SECTION 3. All bills, memorials, joint resolutions and the journals of the two houses shall be printed by the state printer, who shall furnish two hundred and fifty copies of each, in form and size as is now provided by law, and shall furnish the senate and assembly with two hundred and fifty proof sheets of the proceedings of each house, printed on tinted print paper, for examination and correction, and after the proof has been carefully read and all errors eliminated, two hundred and fifty copies of the journal of each house shall be printed in size and form as is now prescribed by law, of which ten copies shall be upon bond paper. He shall also print on good book paper, and bind in half binding with sheep backs and corners, five hundred copies of the journals of each house of the legis-

lature as now prescribed by law; five of the copies printed upon bond paper as aforesaid shall be furnished to the chief clerk of the senate, and five copies to the chief clerk of the assembly, who shall preserve them until the close of the session. After the index shall have been completed, the chief clerk of the senate and the chief clerk of the assembly shall each cause one copy of the journal and index of the house of which he is such officer, printed on bond paper, to be bound and lettered properly, and shall attach thereto his certificate in writing, that the same is the journal of such house, and shall deliver the same to the secretary of state to be deposited in his office, which printed journals shall be the official record of the legislature. The compensation of the state printer for the printing of bills, memorials, joint resolutions and the journals, shall be as is now provided by law.

Journals to be deposited with secretary of state.

Chief clerks to certify names of employes to secretary of state.

SECTION 4. The chief clerks of the senate and assembly and sergeant-at-arms of each house shall certify to the secretary of state the names of all persons employed in their respective departments, the capacity in which employed, and the amounts respectively due them, which certificate shall be approved by the presiding officer of the house in which they are employed. Upon such certificate the secretary of state shall draw his warrant upon the state treasurer for the amounts therein named, and the same shall be paid out of the state treasury. At the close of each session of the legislature the secretary of state shall publish in the official state paper a full list of the accounts so audited.

Prior joint resolutions not superseded.

SECTION 5. None of the provisions of this act shall be construed to in any way interfere with the joint resolutions heretofore passed at this session of the legislature relating to the appointment of clerks and employes.

Prior laws repealed.

SECTION 6. Sections 111A and 112 of Sanborn and Berryman's Annotated Statutes, chapter 348, laws of 1887, chapters 14, 109, 500 and 522, of the laws of 1889, and chapters 385 and 475 of the laws of 1891, and all other acts and parts of acts conflicting with the provisions of this act, are hereby repealed in so far as they conflict.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved February 10th, 1893.

No. 28, S.] [Published February 20, 1893.

CHAPTER 2.

AN ACT to change the boundaries of the Sixth and Ninth judicial circuits, and to fix the times for holding the terms of court for the several counties in each of said judicial circuits.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Juneau county detached.

SECTION 1. The county of Juneau is hereby detached from the Ninth judicial circuit, and is attached to the Sixth judicial circuit.

Terms of court in Sixth judicial circuit.

SECTION 2. The terms of the circuit court for the several counties of the Sixth judicial circuit shall be as follows: For the county of Trempealeau, the first Monday in March, and the first Monday in September. For the county of Vernon, the second Monday in June, and the second Monday in December. For the county of Monroe, the second Monday in April, and the second Monday in October. For the county of La Crosse, the second Monday in May, and the second Monday in November. For the county of Juneau, the third Monday in March, and the third Monday in September. Every general term of said court in each of said counties shall be a special term for the whole judicial circuit.

Special terms.

Terms of court in Ninth judicial circuit.

SECTION 3. The terms of the circuit court for the several counties of the Ninth judicial circuit shall be as follows: For the county of Adams, the first Tuesday in June, and the third Tuesday in December. For the county of Columbia, the second Tuesday in May, and the fourth Tuesday in November. For the county of Dane, the second Monday in January, the Monday after the first Tuesday in April, the fourth Monday in June, and the second Monday in September; but no jury shall be summoned for the term in June. For the county of Marquette, the second Tuesday in June, and the Tuesday after the second Monday in November. For the county of Sauk, the second Tuesday in March, and the second Tuesday in October. Every general term in the counties of Columbia, Dane, Marquette and Sauk shall be a special term for the whole judicial circuit.

Special terms.

SECTION 4. All acts or parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 17th, 1893.

No. 3. S.] [Published February 27, 1893.

CHAPTER 3.

AN ACT to legalize the action of Geneva Union school district number one, in the county of Walworth, and of its school board; and to authorize said district to borrow money and issue its negotiable bonds therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Contract legalized.

SECTION 1. The action of the electors of Geneva Union school district number one, embracing the city of Lake Geneva and parts of the towns of Geneva, Lyons and Linn, in the county of Walworth, at the annual meeting of said district in the year A.D.1892, authorizing the school board to contract for the erection and furnishing of an addition to the high school building in said district, and all things done or contracts made by said school board in pursuance of such authority, are hereby ratified and confirmed, and declared in all respects legal and binding upon said district.

May borrow money and issue bonds.

SECTION 2. For the purpose of paying for said addition, and supplying the necessary furniture, equipment and apparatus therefor, including heating apparatus, said district may by vote, at a special meeting to be held as hereinafter provided, authorize the school board to borrow a sum of money not exceeding seven thousand dollars, and execute and deliver to the lender or lenders therefor the negotiable bonds of said district.

Special meeting to be held.

SECTION 3. A special meeting to consider and act upon the matter of said loan, shall be held

at such place in said district and at such time as the school board shall direct, and the clerk shall cause a notice thereof, specifying the time and place of meeting, and the business to be considered at the same, to be published at least five days prior to the date of the meeting, in some newspaper published at said city of Lake Geneva, and no other notice of said meeting shall be necessary.

Resolution, what to contain, how adopted.

SECTION 4. The resolution to authorize such loan shall be in writing, and shall specify the amount to be borrowed, the maximum rate of interest and the time and manner of payment, which may be in installments, annual or otherwise, payments to commence in such year and to be made at such intervals, and continue for so many years as shall be determined by the electors present at such meeting; provided, that the whole sum shall mature not later than ten years after the first day of February, A. D. 1893. The vote thereon shall be taken by ballot, and those in favor shall read, "For the Loan;" those opposed, "Against the Loan." The resolution and vote shall be recorded, and if adopted by a majority of the electors present at such meeting and voting thereon, the school board shall thereupon be authorized to borrow such sum of any person or persons, on such terms, and issue to the lender or lenders the negotiable bonds of said district, in such denominations and payable in such installments, and at such time or times, subject to the direction in the resolution so adopted, and not contrary to this act, as may be agreed upon; which bonds shall constitute valid and binding obligations of said district, notwithstanding the same may not be payable in annual installments. And the school board shall, at the time of issuing such bonds, levy a tax upon the taxable property in said district, to be annually collected thereafter, sufficient to pay the interest annually on such loan and the principal as it shall mature, which tax shall be and remain irrevocable.

Bonds to be valid.

Tax to be levied.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved February 23, 1893.

No. 20, S.] [Published February 27, 1893.

CHAPTER 4.

AN ACT to prescribe and fix the terms of court in Forest county, in the Tenth judicial circuit of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court in Forest county.

SECTION 1. The general terms of the circuit court in Forest county shall be as follows: On the second Tuesday in March, and the fourth Tuesday in September, in each year, including the year 1893; but there shall be no term in March in said year.

SECTION 2. All acts or parts of acts in conflict with this act are hereby repealed.

SECTION 3. This act shall take effect at the date of its publication.

Approved February 23, 1893.

No. 126, S.] [Published February 28, 1893.

CHAPTER 5.

AN ACT to authorize the supervisors of the town of Herman, Sheboygan county, Wisconsin, to alter, change and discontinue a portion of the state road known as the "Green Bay Road," within the limits of township number sixteen north, range number twenty-two east, in the county of Sheboygan, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Portion of "Green Bay Road" may be discontinued.

SECTION 1. The supervisors of the town of Herman, in the county of Sheboygan, Wisconsin, are hereby authorized and permitted to alter, change and discontinue a portion of the state road known as the "Green Bay Road," running through sections twelve and thirteen, and within

the limits of township number sixteen north, range number twenty-two east, in the county of Sheboygan and state of Wisconsin, in the same manner and with like effect as is provided for by the provisions of section 1265, of the Revised Statutes, provided for the alteration and change of roads other than state roads. Sec. 1265, R. S., to apply.

SECTION 2. Nothing contained in the provisions of sections 1265 and 1300, of the Revised Statutes of Wisconsin for the year 1878, shall be construed so as to prevent or prohibit the alteration, change and discontinuance of that portion of said state road in the manner provided by section 1 of this act. Secs. 1265 and 1300, R. S., construed.

SECTION 3. This act shall take effect and be in force form and after its passage and publication.

Approved February 23, 1893.

No. 249, A.] [Published February 28, 1893.

CHAPTER 6.

AN ACT to organize the town of Underhill, in Oconto county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that portion of the present towns of How and Gillett, in Oconto county, described as follows, to-wit: All that part of township number twenty-eight, range seventeen east, in the present town of Gillett, lying east of the Oconto river, and all of that part of the present town of How, in said township, lying west of the Oconto river, is hereby set off and detached from the said towns of Gillett and How, and erected into a separate town under the name and title of "Underhill." Town of Underhill organized.

SECTION 2. The said town of Underhill is hereby created and organized with all the rights, powers and privileges by law granted to other towns in this state, and subject to all the general laws enacted for town government therein. Powers.

Town meeting.

SECTION 3. The first town meeting in said town of Underhill shall be held on the first Tuesday of April, 1893, at the postoffice at Underhill, and the inspectors of said town meeting shall be Robert Hintz, Rasmus Larsen, and Henry Dicke, if present at the time and place appointed, or if not present, the person or persons necessary to fill any vacancy shall be selected by the electors of said town present at such time and place; and the requisite number of clerks for such town meeting shall be chosen by such electors from the persons present at such time and place.

SECTION 4. This act shall take effect and be in force on and after its passage and publication.

Approved February 23, 1893.

No. 1, S.] [Published March 3, 1893.

CHAPTER 7.

AN ACT to repeal chapter 439 of the laws of 1891, entitled "An act to provide for the regulation, control and government of election primaries in counties having a population exceeding one hundred and fifty thousand inhabitants."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeals ch. 439, laws of 1891.

SECTION 1. Chapter 439, of the laws of 1891, entitled, "An act to provide for the regulation, control and government of election primaries in counties having a population exceeding one hundred and fifty thousand inhabitants", is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved February 28, 1893.

No. 27, A.] [Published March 3, 1893.

CHAPTER 8.

AN ACT to create the county of "Iron."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Territory embraced.

SECTION 1. All that portion of the county of Ashland included within the following boundaries, to-wit: Commencing at the mouth of the Montreal river, thence westerly along the south shore of Lake Superior to the northwest corner of township number forty-seven north, of range number one west; thence south, on the township line between ranges number one and two west, to the southwest corner of township number forty-four north, of range number one west; thence east, along the township line, to the northwest corner of township number forty-three north, of range number one east; thence south, along the township line, to the southwest corner of township number forty-three north, of range number one east; thence east along the township line to the southeast corner of township number forty-three north, of range number one east; thence south, along the township line, to the southwest corner of township number forty-one north, of range number two east; thence east, along the township line, to the southeast corner of township number forty-one north, of range number three east; thence north on the township line between ranges number three and four east, to the northeast corner of township number forty-four north, of range number three east; thence west, along township line, to the center of the Montreal river, and following center line of said river to the place of beginning, is hereby detached from the county of Ashland, and made and constituted a separate county, to be known and designated as the county of Iron.

Powers; county seat; terms of court and notice of same.

SECTION 2. The county of Iron, with the boundaries prescribed in the foregoing section, is hereby created with all the rights, powers and privileges by law granted to and conferred upon other counties in this state. The county seat of said county of Iron, until otherwise determined

by law, is hereby located and the same shall be at the village of Hurley, in said county, in township number forty-six north, of range number two east. Said county of Iron is attached to and made a part of the Fifteenth judicial circuit. There shall be held in said county of Iron two terms of the circuit court in each year, and until otherwise provided by law. Such terms of court shall be held at such times as the circuit judge thereof shall designate. The judge of said court shall immediately after the passage and publication of this act give public notice of the time of holding terms of such court, by causing a notice thereof to be published in some newspaper printed in said county of Iron, for at least six weeks prior to the three weeks immediately preceding the holding of the first term of said court.

County officers

SECTION 3. Within thirty days after this act shall take effect, the governor of this state shall appoint in and for the county of Iron the following, to-wit: A county judge, district attorney, clerk of the circuit court, county clerk, sheriff, register of deeds, county treasurer, county surveyor, superintendent of schools, and coroner, who shall each within twenty days after due notice of his appointment, respectively, qualify and enter upon the duties of his office, and hold the same until the first Monday of January next succeeding the first general election thereafter, and until his successor is elected and qualified, except the county judge, who shall hold his office until the first Monday of January, 1898. Such officers shall, for the above named term, receive the following salaries *per annum:* County clerk, one thousand dollars; county treasurer, one thousand dollars; county judge, two hundred dollars; county superintendent of schools, five hundred dollars; district attorney, six hundred dollars. All other officers shall receive as compensation the fees prescribed by law, and no other.

Salaries.

Bonds of officers.

SECTION 4. It shall be the duty of the board of supervisors of the county of Iron, within forty days after the passage and publication of this act, to meet and fix the amount of bonds required to be given by each of said officers, except in cases where the amount of such bonds is now fixed by law.

Towns.

SECTION 5. The county of Iron shall, until otherwise ordered by the board of supervisors of

said county, consist of three towns, to be known respectively as the town of Vaughn, town of Saxon, and town of Knight. The town of Vaughn shall retain the territory now included in said town and also township number forty-three north, of range number two east, of township number forty-three north, of range number three east, township number forty-two north, of range number two east, township number forty-two north, of range number three east, township number forty-one north, of range number two east, and township number forty-one north, of range number three east. The town of Saxon shall include townships number forty-six north, of range one west, forty-six north, of range one east, and fractional townships number forty-seven north, of range number one west, and forty-seven north, of range number one east. All the remaining portion of said county of Iron shall be known as the town of Knight.

Board of supervisors, first meeting of.

SECTION 6. The board of spuervisors of the said county of Iron, shall, at its first meeting, transact all business necessary to perfect the complete organization of the county, and determine upon, and make suitable provisions for, a place for holding the circuit court at the time to be appointed therefor.

Property, how divided.

SECTION 7. The said counties of Ashland and Iron shall be the exclusive owners of all the property, real and personal, of the said county of Ashland, as the same is now constituted, and the same shall be divided between the two said counties according to the value thereof, ascertained as hereinafter provided, upon the basis of the equalized valuation made by the board of supervisors of the said county of Ashland of all the real and personal property therein for the year 1892; each county taking of such property, or the value thereof, according to the proportion as fixed by the said equalized valuation of the said real and personal property in the territory comprised in each county, respectively, as herein established. The liabilities of the said county of Ashland shall be paid by each of said new counties upon the same basis fixed as aforesaid for dividing the assets of the said county of Ashland as now existing. The governor of the state of Wisconsin shall, within ninety days after the passage of this act, appoint three commissioners,

Liabilities, how paid.

Commissioners, how appointed.

one of whom shall be an expert accountant, whose duty it shall be to make a complete schedule of all the assets, real, personal or of any nature, of the said county of Ashland as now existing and fix the value of each item thereof. Said commissioners shall award to the said county of Iron all of said assets situated in the territory which by this act constitutes the county of Iron, or which are based upon any property in said territory according to the value they shall give to the same, and said commissioners shall award to the said county of Ashland as constituted by this act all of the said assets situated in the territory which by this act constitutes the county of Ashland, or which are based upon any property in said territory according to the value they shall give to the same. The said commissioners shall have power, and it is hereby made their duty to examine and determine the condition of the debits and credits between the several towns in the county of Ashland as now existing and the city of Ashland and the said county of Ashland as now existing, and to finally settle all accounts between said county of Ashland and said several towns and the city of Ashland. The condition of said several accounts as ascertained by said commissioners shall be reckoned in the liabilities or assets of said county in the settlement between the counties provided for by this act; provided, that said commissioners shall not extend their examination of said accounts between said towns and the city of Ashland to a date earlier than January 1, 1888, but they shall assume that up to that date the said accounts were settled between the county of Ashland and the several towns and cities therein. The said commissioners shall examine fully the accounts of all the officers of said county, beginning January 1, 1888, and extending over the entire period from that date to the time of the close of their duties under this act, and whatever shall be found due any of said officers shall be a portion of the liabilities of said county, and whatever is found due from said officers or either of them, shall be part of the assets of the county of Ashland. The said commissioners shall have the right of access to all the records, books and papers of every description in any office of said county of Ashland as now existing, or belonging to or in the custody of any

Award.

Powers and duties.

Examination of accounts.

Access to records, etc.

of the officers thereof, and it shall be the duty of every officer of said Ashland county to afford every facility to a complete and thorough investigation of every question or matter within the scope of their duties as provided by this act. The said commissioners, after they shall have ascertained all the assets and all the liabilities of said Ashland county as herein provided, shall determine the particular property which shall go to each of the counties created by this act, also the amount of indebtedness of the county of Ashland as now constituted to each of said towns and to the city of Ashland, if any such indebtedness is found to exist. Also the amount each of said towns and the city of Ashland respectively owes the said county, if any such indebtedness is found to exist, and also the amount of money which either of the counties created by this act shall owe the other in the final balancing of the assets and liabilities. The said commissioners shall determine the settlement between the two counties upon the basis of assessed valuation as provided by this act. Two of said commissioners shall receive five dollars per day each for their services as such commissioner, and the commissioner who is appointed on account of his skill and experience as an accountant shall receive ten dollars per day for each day's service actually rendered in the performance of his duties as commissioner.

Rights and liabilities to be determined.

Settlement.

Compensation.

SECTION 8. This act shall in no wise invalidate, or affect the collection of taxes or the return of lands for the non-payment of taxes assessed thereon for the year 1892, in said county of Ashland; provided, that within ten days after the appointment and qualification of the county treasurer of said county of Iron, as by this act provided, if the return of the delinquent list embracing the lands within the boundaries of the county of Iron have not been made within ten days after such returns, the treasurer of the county of Ashland shall pay over to the treasurer of said county of Iron all taxes, except the state taxes, collected and paid over to such treasurer by the treasurers of the several towns, or collected and paid over by the sheriff of Ashland county upon property situated within the boundaries of the said county of Iron for the year 1892, and shall make, certify and deliver to

Taxes; sale of lands.

the treasurer of the county of Iron a list of all lands situated within the boundaries of the county of Iron, returned delinquent for the non-payment of taxes for 1890, with the amounts of each delinquent's taxes assessed thereon, set opposite each description of said lands, and the treasurer of the county of Iron shall then proceed with the collection of such delinquent taxes, and the sale of such lands for the non-payment of taxes thereon, in the same manner and with the same effect as now provided by law, and such sale shall be legal whether made upon the third Tuesday of May next, or thereafter within one year; provided, the four weeks' notice of such sale, as provided by law, shall first be given.

Transcripts of records; to be prima facie evidence.

SECTION 9. The board of supervisors of the county of Iron shall have power, and it is hereby made its duty to procure as soon as may be, after the passage and publication of this act, from the register of deeds, county clerk, county treasurer, county judge, and clerk of the circuit court of the county of Ashland, at the expense of the said county of Iron, transcripts duly certified by the proper officers, of all papers, proceedings, records and books on file, or of record in said offices, in any manner affecting or relating to the title or right of possession of any lands situated in said county of Iron, and such transcripts or certified copies thereof, shall be *prima facie* evidence in all courts of the facts therein contained.

Lien of judgments.

The lien of all judgments which are now of effect on land in said county of Iron, shall continue in force the same as though this act had not taken effect.

Tax for buildings limited.

SECTION 10. It shall not be lawful to levy a tax to exceed two thousand dollars *per annum*, for the next five years, in said county of Iron, for the purpose of building county buildings, except a county jail.

County apportioned.

SECTION 11. The said county of Iron shall constitute a part of the Eleventh senatorial district, and with the county of Ashland shall constitute an assembly district, and shall also be a part of the Ninth congressional district until the same shall be apportioned otherwise as provided by law.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved March 1, 1893.

No. 29, S.] [Published March 7, 1893.

CHAPTER 9.

AN ACT to amend chapter 232, of the private and local laws of 1866, entitled, "An act to incorporate the Oshkosh and Mississippi River Railroad company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The board of directors of said company shall consist of five persons who shall be stockholders of said company and shall hold their office for one year, and until their successors are duly elected and qualified. Board of directors.

SECTION 2. The annual meeting of the stockholders and directors of said company shall be held in the city of Milwaukee, at the office of the company in said city, and the stockholders shall annually elect five directors of said company, at which place the records and books and papers of the said company shall be kept, and said office in said city shall be located at such place as the board of directors may appoint. Annual meeting. Office.

SECTION 3. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect from and after its passage and publication.

Approved March 3, 1893.

No. 35, S.] [Published March 7, 1893.

CHAPTER 10.

AN ACT to fix the time for holding the terms of court in the Sixteenth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. From and after May 1, 1893, the Terms of court.

terms of court for the Sixteenth judicial circuit shall be held as follows: For the county of Marathon, the first Monday in May, the second Monday in September and the second Monday in November; but no jury shall be summoned for the September term. For the county of Lincoln, the second Monday in January and the second Monday in July. For the county of Oneida, the first Monday in March and the first Monday in October. Every general term in each of said counties shall be a special term for all the other counties in said circuit.

Special terms.

SECTION 2. So much of chapter 41, of the laws of 1891, as is in conflict with this act, is hereby pealed.

SECTION 3. This act shall take effect from and after May 1, 1893.

Approved March 3, 1893.

No. 41, S.] [Published March 10, 1893.

CHAPTER 11.

AN ACT to cede to the United States jurisdiction over the Sturgeon Bay and Lake Michigan ship canal.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Consent given to purchase by United States.

SECTION 1. The consent of the state of Wisconsin is hereby given to the purchase, by the United States, of the Sturgeon Bay and Lake Michigan ship canal, connecting the water of Green Bay with Lake Michigan, in said state, and all the lands pertaining thereto; and the state hereby cedes to the United States exclusive jurisdiction over said canal and lands during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said state, and the service of civil process thereon.

Jurisdiction.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1893.

No. 60, S.] [Published March 10, 1893.

CHAPTER 12.

AN ACT fixing the terms of the circuit court for Iowa and La Fayette counties, in the Fifth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The terms of the circuit court for Iowa county shall be held in the year 1893, on the fourth Monday in March and on the fourth Monday in September, and thereafter shall be held on the third Monday in March and the fourth Monday in September in each year. And the terms of the circuit court for La Fayette county shall hereafter be held on the second Tuesday in June and the first Tuesday in December, in each year. Terms of court.

SECTION 2. This act shall take effect and be in force from and after the first Monday in May, 1893.

Approved March 6, 1893.

No. 1, A.] [Published March 11, 1893.

CHAPTER 13.

AN ACT authorizing the Ahnapee and Western railway to build a bridge across Sturgeon Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The Ahnapee and Western railway company, its successors and assigns, are hereby authorized to build, construct and maintain a bridge for railway purposes, over and across the waters of Sturgeon Bay from any point in township twenty-seven, of range twenty-six east, to any other point in said township in the county of Door, state of Wisconsin; and for Location of bridge.

such purpose may erect piers, drive piles, sink cribs and build embankments and approaches in said bay and on the banks thereof, necessary for the proper or convenient construction and maintenance of such bridge; provided, that a suitable draw shall be built and maintained in the channel span of said bridge for the passage of boats; and that said bridge shall be so constructed as not to materially interfere with the free navigation of the waters of said Sturgeon Bay; and provided, further, that said bridge shall be constructed according to plans approved by the secretary of war of the United States, or such engineer as he shall designate.

Draw to be maintained.

Navigation.

Plans.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1893.

No. 64, S.] [Published March 11, 1893.

CHAPTER 14.

AN ACT to protect persons, corporations or associations of workingmen in the use and enjoyment of their labels, trade-marks and forms of advertising, and punish offenders for violation of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trade mark may be adopted.

SECTION 1. Any person, firm, corporation or association of individuals, whether incorporated or not, located or having business in this state, may adopt a trade-mark or label and affix the same to any goods made, produced or manufactured by the said person, firm, corporation or association, or to the box, case, cask or package containing such goods, wares or merchandise, or may use the same in any advertisement, and shall have the right to the exclusive use and enjoyment of the same, upon complying with the provisions of this chapter; except as against any person, firm, corporation or association which

Right to use.

has previously adopted and used such trade-mark or label.

Statement to be filed with the secretary of state.

SECTION 2. Such person, firm, corporation or association, shall, in order to be entitled to the benefit of the provisions of this act, cause to be filed in the office of the secretary of state, a statement specifying the names of the parties applying for the same, and in case of an unincorporated association, the name of the same and the class of merchandise and the particular description of the goods or product comprised in such class to which the trade-mark or label is to be applicable and containing a description of the trade-mark itself, with fac-similes thereof, which statement shall be duly verified by the oath of such person, or some member of such firm, or some officer of such corporation, or association, who shall pay to the secretary of state one dollar for recording the same. The secretary of state shall give a certificate of such filing and recording, and of the date thereof. Such oath shall be to the effect that the person, firm, corporation or association claiming the same has adopted the said label or trade-mark or form of advertisement, and that the affiant verily believes that it is new and original, not in use by any other parties, and that it is filed for the purpose of using it in good faith and to secure protection in such use. Such certificate used by the secretary of state, shall, in all suits and prosecutions under this act, be sufficient evidence of the filing and record of such trade-mark and shall contain appended thereto a fac-simile of the trade-mark or label so filed or recorded. In using such label or trade-mark, the date of filing the same in the office of secretary of state shall be given, and in connection with the same, this: "Trade-mark filed in office of secretary of state of Wisconsin" (here give date). No label or trade-mark shall be filed by the secretary of state which is not and cannot be a lawful trade-mark or label, or which is merely the name of the person, firm or corporation or association unaccompanied by a mark sufficient to distinguish it from the same name when used by other persons, or which is identical with the label or trade-mark appropriated to the same class of merchandise and previously used or already filed and recorded, or which so nearly resembles such last mentioned

Secretary of state to give certificate.

Oath.

Certificate to be evidence.

Unlawful trade-mark not to be filed.

mark or label as to be likely to deceive the public.

Counterfeit or imitation unlawful.

SECTION 3. When duly adopted, filed and recorded, as provided by this act, it shall be unlawful for any person or persons to counterfeit or so imitate such label or trade-mark so that it shall be likely to deceive the public, or to use the same upon or as a label or trade-mark for or a form of advertisement of any goods, wares or merchandise, or the boxes, casks, cases or packages in which such goods, wares or merchandise are enclosed. Every person wilfully or knowingly violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than one month, nor more than six months, or by fine of not more than five hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

Penalty.

Infringement; actions for.

SECTION 4. When such label, trade-mark or form of advertisement has been adopted, filed and recorded as herein provided, the person, firm, corporation or association adopting the same may proceed by action for damages or suit to enjoin the manufacture, use, or display, of said form of advertisement, or of any counterfeits of the same or imitations thereof calculated to deceive the public, and in such actions, if legal in nature, the jury may assess such damages as have resulted from such violation up to the time of commencing the action; and in any suit to enjoin such infringement all damages may be recovered which are proved upon the trial; but the rights of action given by this act shall not affect or diminish any right of action or claim, either past or future, under the laws of this state. When an action or suit is prosecuted for an unincorporated association, the president or other presiding officer of such association may sue, in his own name, in behalf of the association, for their benefit without joining others with him.

Unincorporated associations; how may sue.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1893.

No. 11, S.] [Published March 11, 1893.

CHAPTER 15.

AN ACT to repeal chapter 300, of the laws of 1889, relating to the constructing and maintaining booms and piers in the Wolf river in the city of Shawano, Shawano county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 300, of the laws of Wisconsin for 1889, is hereby repealed. Repeals ch. 300, laws of 1889.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 8, 1893.

No. 32 A.] [Published March 13, 1893.

CHAPTER 16.

AN ACT to authorize the city of Sheboygan to build a bridge across Sheboygan river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The city of Sheboygan is hereby authorized to build, construct and maintain a wagon bridge over and across the Sheboygan river at Fourteenth street in said city, and for that purpose may erect piers, drive piles, sink cribs and build approaches in said river and on the banks thereof, necessary for the proper or convenient construction and maintenance of such bridge; provided, that a suitable draw shall be built and maintained in the channel span of said bridge for the passage of boats; and said bridge shall be so constructed as not to materially interfere with the navigation of the waters of said Sheboygan river; and provided, further, that said bridge shall be constructed according to Location of bridge. Draw to be maintained. Plans.

plans approved by the secretary of war of the United States.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 9, 1893.

No. 34, A.] [Published March 14, 1893.

CHAPTER 17.

AN ACT to extend the application of section 890, of the Revised Statutes, to villages incorporated under special charters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To apply to villages incorporated under special charters.

SECTION 1. All the provisions of section 890, of the Revised Statutes of Wisconsin, shall be of the same force and effect in the cases of villages incorporated under special charters, and of trustees of such villages, as in cases of villages incorporated under the general laws of Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1893.

No. 39, A.] [Published March 14, 1893.

CHAPTER 18.

AN ACT to amend section 741, chapter 37, of the Revised Statutes relating to appointments of deputies of clerks of circuit courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 741, of chapter 37, of the

Revised Statutes of the state of Wisconsin, is hereby amended by striking out the words "a deputy," where they first appear therein, and substituting in lieu thereof the words "one or more deputies," so that the same when amended shall read as follows: Section 741. Every such clerk shall appoint one or more deputies, which appointments shall be approved by the judge of the circuit court, but be revocable by the clerk at pleasure; such appointments and revocation shall be in writing and filed in his office; such deputies shall aid him in the discharge of the duties of his office under his direction; and in the absence of the clerk from his office or from the court, such deputies may perform all the duties of the clerk; or in case of a vacancy by resignation, death, removal, or other cause, the deputy first named or appointed shall perform all the duties of clerk, until such vacancy shall be filled. The clerk shall be responsible on his official bond for all official default or misconduct of his deputies.

Amends sec. 741, R. S.

Clerks of court may appoint deputies.

SECTION 2. This act shall take effect and be in force from and after the date of its passage and publication.

Approved March 10, 1893.

No. 58, A.] [Published March 14, 1893.

CHAPTER 19.

AN ACT discharging notices of pendency of action, when defendants have not been served with the summons in the action.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. In any action affecting the title to real estate, wherein a notice of pendency of action shall have been filed and the plaintiff shall neglect or fail for the period of one year, to serve the defendant, or if there is more than one defendant, to serve one defendant, with the summons in the action, either personally or by pub-

When notices void.

lication, then and in such cases, said notices of pendency of action shall be void and of no force and effect; and upon motion the judge of the circuit court of the county wherein said notice of pendency of action is filed, shall upon proof that said period of one year has elapsed, and the plaintiff has failed to serve the summons upon any defendant in the action, forthwith issue an order discharging said notice of pendency of action of record.

May be charged of disrecord.

SECTION 2. This act shall take effect and be in force three months from and after its passage and publication.

Approved March 10, 1893.

No. 120, A.] [Published March 14, 1893.

CHAPTER 20.

AN ACT to legalize the plat, entitled "Plan of Prospect Park," and recorded on the 12th day of August, 1881, in book one, on page six, of the records of plats in the office of register of deeds of Lincoln county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Plat as recorded legalized.

SECTION 1. That certain plat entitled "Plan of Prospect Park," recorded on the 12th day of August, 1881, in book one, on page six, of the records of plats in the office of register of deeds of Lincoln county, together with the record of the same, are hereby legalized and made as valid in all respects and for all purposes whatsoever as if said plat had been in all respects duly executed, certified, acknowledged and recorded at the time above stated in accordance with section 2261, of the Annotated Statutes of Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1893.

No. 18, S.] [Published March 14, 1893.

CHAPTER 21.

AN ACT to amend section 1166, of the Revised Statutes of 1878, entitled, "Of lands sold for taxes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1166, of the Revised Statutes of the state of Wisconsin for the year 1878, is amended by striking out in the seventh line. after the word "time," the words "within five years after such sale," and inserting in lieu thereof the words "during disability and during one year thereafter;" so that said section when so amended shall read as follows: Section 1166. The lands of minors, or any interest they may have in lands sold for taxes, may be redeemed at any time before such minors come of age, and during one year thereafter; but no such redemption shall be construed as redeeming the interest of any other person in such lands. And the lands of idiots and insane persons so sold, or any interest they may have in the same, may be redeemed at any time during disability and during one year thereafter, and such redemption shall in all the cases herein mentioned, be made in the manner provided in the preceding section. The heirs of any such minor who shall die after his title to such lands shall accrue, and before the expiration of the time when, if he had lived, he might have redeemed the same, may also, if minors. redeem the interest of such minor in such lands within the time in which such minor could, if living, have redeemed the same; and if not minor, they may redeem within one year from the time their title so accrues, and within the time in which such minor could, if living, have redeemed the same.

Amends sec. 1, 1166, R. S.

Redemption of lands.

Minors.

Persons under disabilities.

Certain heirs may redeem.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1893.

No. 23, S.] [Published March 14, 1893.

CHAPTER 22.

AN ACT to amend section 1447a, of chapter 59. of Sanborn and Berryman's Annotated Statutes of Wisconsin for 1889, providing for the use of gifts and bequests to cemetery associations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1447a, S. and B.'s statutes.

SECTION 1. Section 1447a, of chapter 59. of Sanborn and Berryman's Annotated Statutes of Wisconsin for 1889, is hereby amended by adding to said section the following words, "or in county, city, school, town, or other municipal bonds of any public corporation of the state of Wisconsin;" so that said section as amended shall read as follows: Section 1447a. That it shall be the duty of every corporation, society or association, which shall occupy and use lands for cemetery and burial purposes, to take, hold and use such gifts and bequests of real or personal property, or the income and proceeds thereof, as may be given or bequeathed to them, in trust or otherwise, for the improvement, maintenance, repair, preservation and ornamentation of any lot, and any vault, tomb or chapel, or other structure in such cemetery and burial place according to the terms of such gift or bequest, and in accordance with such reasonable rules and regulations as shall be made by such corporation, society or association, for its government. In case money is placed in the charge of any such corporation, society or association, without condition as to the manner of investment, the income of which is to be used for the purposes mentioned in this act, it shall be invested by such officers or trustees in bonds of the United States or of the state of Wisconsin, or on bond or note secured by mortgage on property in amounts not exceeding one-half of the value of said property, or in county, city, school, town, or other municipal bonds of any public corporation of the state of Wisconsin.

Duty of cemetery associations.

Investment of moneys.

SECTION 2. This act shall take effect and be

in force from and after its passage and publication.

Approved March 10, 1893.

No. 15, A.] [Published March 14, 1893.

CHAPTER 23.

AN ACT relating to title to personal and real property by descent and distribution, and amendatory of section 2270, of Sanborn and Berryman's Annotated Statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2270, S. and B.'s Anno. Stats.

SECTION 1. Section 2270, of Sanborn and Berryman's Annotated Statutes, is hereby amended by inserting after the word "parent" in the fifth line of subdivision 5, of said section, the words "and all personal property which belongs to such deceased child by reason of distribution under subdivision 6, of section 3935, of the Annotated Statutes of Wisconsin," and by inserting after the word "descend" in the same line the following words, "and be distributed," so that said subdivision when so amended shall read as follows:

Estate of deceased child; how distributed.

5. If any person shall die, leaving several children, or leaving one child and the issue of one or more other children, and any such surviving child shall die under age, not having been married, all the estate that came to the deceased child by inheritance, or by testamentary gift from such deceased parent, and all personal property which belongs to such deceased child by reason of distribution under subdivision 6, of section 3935, of the Annotated Statutes of Wisconsin, shall descend and be distributed in equal shares to the other children of the same parent, and to the issue of any such other children who shall have died, by right of representation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1893.

No. 104, S.] [Published March 14, 1893.

CHAPTER 24.

AN ACT to appropriate a certain sum of money to pay the funeral expenses of Senator F. W. Horn and Assemblyman D. A. Mahoney.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for funeral expenses.

SECTION 1. There is hereby appropriated to Theodore Knapstein, sergeant-at-arms of the assembly, out of any moneys in the state treasury not otherwise appropriated, the sum of six hundred sixty-five dollars and ninety cents for funeral expenses incurred in the funerals of the late senator F. W. Horn and assemblyman D. A. Mahoney, and paid by him.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1893.

No. 339, A.] [Published March 14, 1893.

CHAPTER 25.

AN ACT to appropriate a sum of money to persons therein named, for expenses incurred as legislative visiting committee to state institutions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to F. T. Yahr, Albert B. Hall and J. Montgomery Smith.

SECTION 1. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, for expenses incurred as visiting committee of the legislature for 1892 and 1893, to state institutions, to F. T. Yahr, Albert B. Hall and J. Montgomery Smith, the sum of one hundred dollars each.

SECTION 2. This act shall take effect and be

in force from and after its passage and publication.

Approved March 10, 1893.

No. 49, A.] [Published March 14, 1893.

CHAPTER 26.

AN ACT to amend section 1, of chapter 288, laws of 1891, relating to defects in recorded instruments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 288, laws of 1891.

SECTION 1. Section 1, of chapter 288, of the laws of 1891, amendatory of section 1, of chapter 404, laws of 1889, is hereby amended by adding after the word "acknowledged" in the twenty-third line of said section the words "and said seal had been duly recorded;" so that said section when amended shall read as follows: Section 1, of chapter 404, of the laws of 1889, is hereby amended by adding at the end thereof the following: And whenever any instrument or conveyance affecting the title to lands which has been or shall be recorded for twenty years in the office of the register of deeds of the county in which such lands are situated, recites therein that an official or corporate seal is thereto attached, and a copy of said seal shall have been or shall be omitted from the record, and all contracts, bonds or agreements for the sale or conveyance of land or any interest therein, purporting to be executed by any person as vendor or contractor but not acknowledged, may, when the said instrument or instruments or contracts, bonds or agreements have been or shall be recorded in the proper register's office for twenty years, be proved and admitted in evidence by the production of the record or a duly certified copy thereof, in the same manner and with the same effect as if any such instrument had been duly sealed, attested and acknowledged, and said seal had been duly recorded, and such

Defective recorded instruments, when good.

record or certified copy shall be presumptive evidence of the execution of any such instrument, contract, bond or agreement, without its being shown that the same was duly or properly entered upon the general index or reception book; provided, however, that nothing herein contained shall affect any pending suit or proceeding or the right, title or interest of any purchaser in good faith for value without notice.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 10, 1893.

No. 229, A.] [Published March 18, 1893.

CHAPTER 27.

AN ACT to amend chapter 40, of the private and local laws of 1855, being the charter of Ripon college.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 7, ch. 40, private and local laws of 1855.

SECTION 1. Section 7, of chapter 40, of the private and local laws of 1855, is hereby amended by striking out the words "provided always, that the annual income arising from the same, shall never exceed twenty thousand dollars," where they occur in lines five, six and seven of said section, so that said section 7 when amended shall read as follows: Section 7. The board of trustees shall have full power in their corporate name to sue and be sued; to plead and be impleaded; to have a common seal, which they may alter at pl ure; to acquire, use, hold and convey property, real and personal, to see that every donation or bequest made to the institution, be applied in conformity to the condition on which the same is made; to establish and maintain such departments, male and female, as they may deem important for the qualification of teachers, or for instruction in any of the ornamental branches, arts and sciences; to make all necessary by-laws

Board of trustees, powers of.

for the due ordering of their own affairs, and for the government of the institution; to fill all vacancies, whether occurring from death, expiration of office or neglect for one year to attend the meetings of the board; to confer such degrees and other honors upon those whom they deem qualified and worthy to receive the same, as are usually conferred by the colleges of the United States; to elect a president, who shall be the chief executive officer of the institution, and head of the collegiate faculty; to elect such professors, tutors, teachers and other officers, as in their opinion the interests of the institution may demand; to define the duties of all officers thus elected, and on sufficient cause to suspend or remove them from office; to determine the amount of all salaries paid or to be paid by the institution; to regulate the course of instruction and prescribe the books, authorities and apparatus to be used in the various departments, and to have such further general powers, not therein specified, and not inconsistent with the letter or spirit of this act, as are granted to corporations, under the name of general provisions, in chapter 54, of the Revised Statutes of this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1893.

No. 213. A.] [Published March 18, 1893.

CHAPTER 28.

AN ACT to amend chapter 227, of the laws of 1889, entitled, "An act to amend chapter 192, of the laws of 1887, entitled, 'An act relating to evidence of title by descent.' "

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 227, of the laws of 1889, is hereby amended by striking out the words "in this state," in the tenth line of

Amends sec. 1, ch. 227, laws of 1889.

said section, and by inserting the words "in this state" after the words "real estate," in the eleventh line of said section; so that said section 1, when so amended, shall read as follows: Section 1. Whenever a person has died or shall die owning real estate in this state, the county judge of the county in which such real estate is situated, may, upon application of the heirs of such deceased person, the guardian of such heirs, or any person interested in such real estate, issue under the seal of the county court a certificate setting forth the names of the heirs of such deceased person and the interest of each of said heirs in the premises of which said deceased died seized, giving description of the same, which certificate, when recorded in the office of the register of deeds in the county in which such real estate is situated, shall be *prima facie* evidence of the facts therein recited.

Title by descent, how certificate thereof issued.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1893.

No. 122, A.] [Published March 18, 1893.

CHAPTER 29.

AN ACT to provide for the election of school district officers by ballot.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends subdiv. 3. of sec. 430, R. S.

How elected.

SECTION 1. Subdivision 3, of section 430, Revised Statutes, is hereby amended by adding the following: The election of all officers shall be by ballot, and a majority of all the votes cast shall be necessary for a choice. The amended subdivision shall read as follows: 3. To elect a director, treasurer and clerk. The election of all officers shall be by ballot, and a majority of all the votes cast shall be necessary for a choice.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1893.

No. 204, A.] [Published March 18, 1893.

CHAPTER 30.

AN ACT to amend section 3807, of the Revised Statutes of Wisconsin for 1878, relating to letters of administration and administrators.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3807, of the Revised Statutes of Wisconsin for 1878, is hereby amended by adding thereto the following subdivision:

Amends sec. 3807, R. S.

4. If there be no application for administration by the widow, or next of kin, or any creditor, for sixty days after the death of any person, then any one in whose favor a cause of action exists, which cannot be maintained without the appointment of an administrator of such deceased person, may apply for and obtain the appointment of an administrator, upon such showing, by petition, to the county court.

Administration, who may apply for.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1893.

No. 179, A.] [Published March 18, 1893.

CHAPTER 31.

AN ACT to amend section 14, chapter 478. laws of 1864, relating to a military road from Fort Howard, Green Bay, to Michigan state line.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 14, ch. 478, laws of 1864.

SECTION 1. Section 14, of chapter 478, of the laws of 1864, is hereby amended so as to read as follows: Section. 14. Such road is hereby declared to be a public highway and the same, with the bridges thereon, shall be kept in repair by the several towns through or into which the same passes to the same extent as other like highways; and the said towns shall have and exercise the same rights and powers in all respects and be subject to the same liabilities in respect thereto as in case of other public highways in towns.

Road to be public highway.

Towns to repair, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1893.

No. 146, S.] [Published March 18, 1893.

CHAPTER 32.

AN ACT to authorize the building of a dock or pier in the waters of Green Bay on sections four or five, in Chambers Island.

The people of the sate of Wisconsin, represented in senate and assembly, do enact as follows:

F. A. Dennett authorized to build a dock or pier.

SECTION 1. F. A. Dennett, his heirs and assigns, are hereby authorized and empowered to build, construct and maintain a dock or pier extending into the waters of Green Bay, either from section four or five, in Chambers Island.

SECTION 2. The legislature reserves the right to alter, amend or repeal this act at any time.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 14, 1893.

No 642, A.] [Published March 18, 1893.

CHAPTER 33.

AN ACT to create and establish a superior court in and for Douglas county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Superior court established.

SECTION 1. There is hereby constituted and established in and for the county of Douglas, a court to be known as the superior court of Douglas county, which shall be held at West Superior, in the city of Superior, in said county, by a judge to be elected for that purpose.

Jurisdiction concurrent with circuit court in some cases.

SECTION 2. Said superior court shall have and may exercise powers and jurisdiction concurrent and equal with the circuit court of said Douglas county in all cases of crimes and misdemeanors arising in said county, and appellate jurisdiction of all crimes and misdemeanors tried before the judge of the municipal court, or justices of the peace in said county, in the same manner as is now provided by law for appeals to the circuit court in such cases. Said superior court shall have exclusive appellate jurisdiction in all cases of appeal from the municipal and justices' courts in said county, in all civil actions, and in all actions commenced in said court where an answer shall be put in showing that the title to lands will come in question, all of which cases shall be certified, and all official returns made to said superior court in the manner prescribed by law; and such court shall have and exercise powers and jurisdiction in all civil actions and proceedings in law and equity, except as to actions and proceedings under chapter 151, of these stat-

Appellate jurisdiction.

General jurisdiction.

utes, concurrent with and equal to the jurisdiction of the circuit court of Douglas county, when the value of the property in controversy, or the amount of money claimed or sought to be recovered after deducting all payments and set-offs, shall not exceed five million dollars; and of all actions for divorce, and for affirmance or annulment of the marriage contract. The presiding judge thereof shall have and exercise the powers of a circuit judge at chambers as to all actions or proceedings in said superior court.

Amount in controversy not to exceed five million dollars.

Presiding judge, powers of.

Judge how elected.

SECTION 3. A judge of said superior court of Douglas county shall be elected on the first Tuesday of April, 1893, and on the first Tuesday of April, 1898, and every sixth year thereafter, in the same manner as provided by law for the election of judges of the circuit and county courts, and all the provisions of the Revised Statutes relating to the elections of county judges are made applicable to the election of the judge of said superior court. The term of office of the judge of said superior court shall be six years and shall commence on the first Monday of January next after his election, except that the term of office of the judge first elected under this act shall commence on the first Monday of May, 1893, and expire on the first Monday of January, 1899; provided, that failure to give notice of election will not invalidate said election in 1893, and nomination papers in said year may be filed to within seven days of said election.

Term of office.

Oath of office.

SECTION 4. Every person elected or appointed judge of said superior court, shall, before entering upon the duties of his office, take and subscribe before some officer authorized to administer oaths, and file in the office of the clerk of the circuit court of said county, duly certified, the following oath of office: "I do solemnly swear, that I will support the constitution of the United States and of the state of Wisconsin; and that I will administer justice without respect to persons; and I will faithfully and impartially discharge the duties of the office of judge of the superior court of Douglas county, according to the best of my ability." He shall receive annually a compensation of thirty-six hundred dollars, to be paid quarterly out of the treasury of Douglas county.

Salary.

SECTION 5. The resignation of the judge of

the superior court of the county of Douglas, may be made to the governor of the state. Whenever a vacancy shall occur in the office of such judge, from any cause, or there shall be no person qualified to take the office at the commencement of the term of office, the governor shall appoint a judge of said superior court, and the person so appointed shall hold for the residue, or for the whole term. Resignation of judge. Vacancy, how filled.

SECTION 6. The general provisions of law which may at any time be in force, relating to the circuit courts and to civil actions and proceedings therein, shall relate also to said superior court, unless inapplicable, and except as herein otherwise provided; and the rules of practice prescribed by law and the justices of the supreme court for circuit courts shall be in force in said superior court. Court commissioners in said county shall have the same powers and be subject to the same duties in respect to actions and proceedings in said superior court as in the circuit court. Laws and rules relating to circuit courts to apply. Court commissioners.

SECTION 7. Any circuit judge of this state may hold court as the judge of said superior court, in case of the absence, or sickness (or other disability), or upon the request of the judge thereof, and while so doing, he shall have the same powers as if elected the judge of said court. Circuit judge may sit, when.

SECTION 8. The terms of said superior court shall be held on the first Monday of January, the first Monday of May (the first Monday of August), and the first Monday of November in each year. A jury shall be summoned for the first day of each of said terms unless otherwise ordered by said court. Jurors shall be chosen for each term of said superior court by the same persons, in the same manner as jurors in the circuit court, and all the provisions of law and rules of practice relating to the selection, qualifications, duties and compensation of jurors in the circuit court shall be applicable in said superior court. Provided, it shall be the duty of said court on the first day of the first term thereof, and at any succeeding term thereafter when necessary, to provide for a jury by ordering a special venire to issue, in the manner provided by law whenever at any term of the circuit court Terms of court. Jury. Special venire.

there shall be an entire absence of jurors of the regular panel.

Sheriff to attend when court in session.

SECTION 9. The sheriff of Douglas county, in person, or by one or more of his deputies, as shall be required by the judge thereof, shall attend the superior court of Douglas county, when actually in session for the transaction of business, and shall be entitled to the same compensation therefor, payable in like manner as is or may be provided by law for like services in the circuit court.

Compensation.

No appeal.

SECTION 10. No appeal to the circuit court in any cause tried or determined in said superior court shall be made or allowed, but all orders and judgments made or rendered therein may be removed to and reviewed by the supreme court in the same manner that orders and judgments of the circuit court may be.

Notice of election of judge.

SECTION 11. Within ten days after the passage and publication of this act the county clerk of the county of Douglas shall give notice of the election of a judge of the superior court provided by this act, at the election to be held on the first Tuesday of April, 1893, in the same manner as provided for notice of election of judges of the circuit and county courts, so far as such provisions are applicable.

Commissioner to procure court room.

SECTION 12. It shall be the duty of the judge of the circuit court of Douglas county, immediately after the passage and publication of this act to appoint a commission of three men, one from the board of county commissioners, and two lawyers from West Superior. It shall be the duty of said commission to forthwith procure, provide and furnish suitable room or rooms in West Superior, in the city of Superior, for holding court as in this act provided. Said room or rooms and furniture to be maintained and paid for by the county of Douglas.

Clerk of the court.

SECTION 13. The clerk of the circuit court of Douglas county, shall be *ex-officio* clerk of said superior court, and shall under the direction of the judge thereof provide a seal therefor. It shall be the duty of said clerk either in person or by deputy to keep and maintain an office in the building in which the session of said superior court shall be held, and to keep the same open for the transaction of business during the business hours of each secular day in the same man-

Office.

ner as the office of the clerk of the circuit court; and to file and safely keep in said office all papers and pleadings relating to any action or proceeding therein. Whenever a judgment shall have been perfected in any action or proceeding in the superior court it shall be the duty of the clerk thereof forthwith to enter, docket and index the same in suitable books kept for that purpose in his office, and also in the office of the clerk of the circuit court of Douglas county, without additional fees therefor. The deputy clerk of said superior court is hereby authorized and empowered to tax costs, enter default judgments, and perform all other acts in relation to actions and proceedings in said court that the clerk of the circuit court is authorized by law to perform. Before entering upon the duties of his office, said clerk shall execute to Douglas county a good and sufficient bond, with two or more sureties, to be approved by the judge of said court, in the penal sum of ten thousand dollars, conditioned for the faithful performance of his duties as such clerk; and he shall be entitled to the compensation for services rendered in said court provided by law for like services in the circuit court.

Judgments, how docketed.

Deputy clerk, powers.

Bond of clerk.

SECTION 14. The judge of said superior court may appoint a phonographic reporter, skilled in the art of short-hand reporting, for said superior court, and may remove such reporter at pleasure and appoint another in his place. Every person so appointed phonograhic reporter shall be deemed an officer of said court and before entering upon his duties shall take and subscribe the constitutional oath, and file the same duly certified in the office of the clerk of said court; and such reporter shall give a bond running to Douglas county, in the sum of five thousand dollars, with one or more sufficient sureties, to be approved by the judge of said court, appointing him, for the proper performance of the duties of his said office. Such phonographic reporter so appointed shall receive as compensation the sum of twelve hundred dollars per year, to be paid in equal monthly installments out of the treasury of said Douglas county. Such reporter shall upon the request of a party to an action or proceeding in said court transcribe in long-hand the evidence or any other proceedings taken by him

Phonographic reporter.

To be officer of the court.

Oath.

Bond.

Compensation.

Transcript of proceedings, etc., reporter to furnish.

in such action or proceedings, or any part thereof, so requested, duly certified by him to be a correct transcript thereof, for which he shall be entitled to receive from the party requesting the same, five cents per folio; and for each additional copy thereof two cents per folio, when written out in full, and when, at the request of the party, it shall be written in narrative form, ten cents per folio.

SECTION 15. This act shall take effect from and after its passage and publication.

Approved March 17, 1893.

No. 304, A.] [Published March 23, 1893.

CHAPTER 34.

AN ACT to amend section 3, chapter 28, of the private and local laws of 1858, as amended by chapter 274, of the general laws of 1878, relating to the incorporation of the synod for the Norwegian Evangelical Lutheran Church of America.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 3, ch. 28, private and local laws of 1858, as amended.

SECTION 1. Section 3, chapter 28, of the private and local laws of 1858, as amended by chapter 274, of the general laws of 1878, is hereby amended by inserting after the words "within this state," where they occur in said section, the following words, "and in any of the states adjoining this state, or in any state or territory within the United States," so that said section when so amended shall read as follows: Section 3. The said synod may hold its meetings, at such times and places within this state, and in any of the states adjoining this state, or in any state or territory within the United States, as may be chosen and designated from time to time by the members thereof, according to the rules and by-laws of said synod.

Meetings of synod, where may be held.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17. 1893.

No. 276, A.] [Published March 23, 1893.

CHAPTER 35.

AN ACT to limit the number of terms to which a person may be eligible to the office of county treasurer.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Any person having held the office of county treasurer of any county in this state for two consecutive terms, shall be ineligible to that office for two years, next succeeding the same. County treasurer, when ineligible.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1893.

No. 9, S.] [Published March 23, 1893.

CHAPTER 36.

AN ACT to appropriate money for the purchase of stationery for the use of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated, out of any money in the general fund, not otherwise appropriated, the sum of nine thousand dollars, for the purchase of stationery for the use of Appropriation for stationery.

state officers and departments, for the years 1893 and 1894, and for the legislative session of 1895; said sum being the amount estimated to be necessary for the purpose specified.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1893.

No. 87, S.] [Published March 23, 1893.

CHAPTER 37.

AN ACT to protect drains, ditches, canals, embankments and drainage works within this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Obstructions in public canals, drains, etc.

SECTION 1. Any person who shall fill up, or place any obstruction in any canal, drain, ditch or water course, dug, built, laid out or opened under the authority of the state, or of any county, common council of any city, town board or drainage commission, or who shall in any manner injure, tear down, break or interfere with the walls or embankments of any such canal, drain, ditch, or water course, and any person who shall fill up, or in any manner obstruct or injure any canal, drain, ditch or water course, dug, built, laid out or constructed by any private person or corporation, shall, for every such offense, forfeit a sum not less than one dollar, nor more than one hundred dollars; and shall also be liable for all damages sustained by reason of such obstruction.

Penalties.

How forfeitures enforced.

Any and all forfeitures under this act, shall be enforced and collected as other forfeitures are enforced and collected under existing laws of this state.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 17, 1893.

No. 763, A.] [Published March 23, 1893.

CHAPTER 38.

AN ACT to appropriate to George H. Kroncke a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to George H. Kroncke the sum of five hundred and twenty-seven and forty one-hundredths dollars from the general fund, in full payment of the salary and mileage of said George H. Kroncke, as member of assembly from Kenosha county, in place of D. A. Mahoney, deceased. Appropriation to George H. Kroncke.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved March 20, 1893.

No. 130, A.] [Published March 23, 1893.

CHAPTER 39.

AN ACT to amend section number 3627, of Sanborn and Berryman's Annotated Statutes, entitled, "Offer of judgment by one defendant; proceedings against others."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3627, of Sanborn and Berryman's Annotated Statutes of the state of Wisconsin, is hereby amended by inserting after the word "issue," and before the word "in," in the first line of said section, the words, "or on any day to which the case may be adjourned;" so that said section when amended, shall read as follows: Amends sec. 3627, S. & B.'s Anno. Stat.

Section 3627. At the time of joining issue, or on any day to which the case may be adjourned, in an action upon contract or for the recovery of Offer of judgment by one defendant, how made and accepted.

damages for an involuntary trespass, any defendant may offer in writing to permit the plaintiff to take judgment against him for the sum, damages or things stated in said offer, with costs; if the plaintiff accept such offer, he shall make such acceptance in writing, and such offer and acceptance shall be filed with the justice; and thereupon, if the justice shall be satisfied that the action was brought in good faith, and without collusion of the parties thereto, for the ascertainment of which he may examine the parties and witnesses on oath, he shall enter judgment accordingly. The entry of such judgment shall not prejudice the right of the plaintiff to proceed to trial and judgment against any other defendants in said action.

Plaintiff may proceed against other defendants.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1893.

No. 146, A.] [Published March 23, 1893.

CHAPTER 40.

AN ACT to amend section 2525, of chapter 116, of the Revised Statutes of 1878, entitled, "Of jurors."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2525, R. S.

SECTION 1. Section 2525, of the Revised Statutes, is hereby amended so as to read as follows: Section 2525. The following persons shall be exempt from serving as jurors: All officers of the United States; the governor, lieutenant governor, secretary of state, attorney general, state superintendent and treasurer, railroad commissioner and insurance commissioner; all judges, clerks of courts of record, all county officers, constables, attorneys and counselors at law, ministers of the gospel or of any religious society,

Jurors, who exempt from service.

practicing physicians, surgeons, dentists, and the president, professors, and instructors of the university and their assistants, and of the several colleges and incorporated academies, all teachers in the state normal schools, one teacher in each common school, the officers and employes in the several state institutions, one miller to each grist mill, one head sawyer and engineer in each steam saw mill and shingle mill, and one foreman and engineer in any factory or machine shop, one ferryman to each licensed ferry, one dispensing druggist in each prescription drug store, the president and cashier of any state or national bank, all telegraph operators, and superintendents, conductors, engineers, firemen, collectors and station agents of any railroad, express company or canal, while in actual, regular employment as such, all officers of fire departments and all active members of fire companies organized according to law, all persons more than sixty years of age, and all persons of unsound mind, or subject to any bodily infirmity, amounting to disability; and all persons shall be disqualified from serving as jurors who have been convicted of any infamous crime; and every person drawn and summoned and having served as a grand or petit juror at any regular term of a circuit court, shall be disqualified from serving again as a grand or petit juror in the same county, for the term of one year thereafter, except he shall be summoned on a special venire, or as a talesman. Who disqualified.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1893.

No. 322, A.] [Published March 23, 1893.

CHAPTER 41.

AN ACT relating to fees of county and municipal judges in proceedings to determine insanity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

When fees not to be charged.

SECTION 1. Every county or municipal judge of counties whose population exceeds two hundred thousand shall not charge or receive the fees or compensation mentioned in section 593, of the Revised Statutes of 1878, and the acts amendatory thereof and supplementary thereto, as payable to such judges for proceedings to determine insanity.

SECTION 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1893.

No. 492, A.] [Published March 23, 1893.

CHAPTER 42.

AN ACT to change the name of the free library of the city of Beaver Dam, and legalize the acts of the common council, and the trustees of said library in relation thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name changed.

SECTION 1. The name of the free public library of the city of Beaver Dam is hereby changed to the "Williams Free Library of the City of Beaver Dam," and said library shall hereafter be

known and designated at all times and places by such name, and all the acts and proceedings of the common council of said city, and of the trustees of said library in relation to said name, are hereby fully ratified and confirmed.

Powers given.

SECTION 2. The said Williams Free Library of the City of Beaver Dam may acquire, take, hold and enjoy real and personal property for the use of said library by gift, grant, devise, bequest, purchase or otherwise, and all such gifts, grants, devises, bequests or conveyances heretofore made, under whatever name or designation, intended for such library or its use and enjoyment are hereby in all things ratified, confirmed and made valid, and shall enure to the use and benefit of said Williams Free Library as fully and absolutely as if made and executed in and to the same by its true, correct and legal name and designation.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1893.

No. 142, S.] [Published March 23, 1893.

CHAPTER 43.

AN ACT to amend chapter 278, of the general laws of 1887, relating to punishment for larceny.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1 ch. 278, laws of 1887.

SECTION 1. Section 1, of chapter 278, of the general laws of 1887, is hereby amended by inserting after the word "prison," in the second line, on page 292, the words, "not more than one year," and after the word "or" in the same line, the words "in the," and after the word "months," in the third line, same page, by adding the words "or by fine not exceeding two hundred dollars;" and said chapter is further amended by inserting as section 2, the words "all acts in conflict here-

with are hereby repealed," and by changing section 2 to section 3; so that said section 1, when so amended, shall read as follows: Section 1. Any person who shall commit the crime of larceny, by stealing the property of another, any money, goods or chattels, or any bank note, bond, promissory note, bill of exchange, order, certificate, book of account, conveyance of real estate, bill of sale, mortgage, valuable contract, receipt, release, defeasance, railroad passenger ticket, ticket of admission to any place, or any writ, process or public record, or any instrument in writing, whereby any demand, right or obligation is created, increased, diminished, or extinguished, or any personal property whatever, if the value thereof shall exceed the sum of one hundred dollars, shall be punished by imprisonment in the state prison not more than five years, nor less than one year; and if the value thereof shall not exceed one hundred dollars, and shall exceed twenty dollars, he shall be punished by imprisonment in the state prison not more than one year, nor less than six months, or in the county jail not more than one year, nor less than six months, or by fine not exceeding two hundred dollars; and if the value thereof shall not exceed twenty dollars, he shall be punished by imprisonment in the county jail not exceeding six months, or by fine not exceeding one hundred dollars; and the value of a railroad ticket shall be the price for which it is authorized to be sold to passengers by the company for which it is sold. Whoever, being a bailee of any chattel, money or valuable security, shall fraudulently take, or fraudulently convert the same to his own use, or to the use of any person other than the owner thereof, although he shall not break bulk or otherwise determine the bailment, shall be guilty of larceny, and may be convicted therof on an indictment or information for larceny, and upon such conviction be punished as hereinbefore prescribed.

Larceny, punishment therefor.

SECTION 2. All acts in conflict herewith are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1893.

No. 212, S.] [Published March 23, 1893.

CHAPTER 44.

AN ACT to amend chapter 379, of the laws of 1891, relating to the manner of conducting elections to secure the purity and secrecy of the ballot.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 31, ch. 379, laws of 1891.

SECTION 1. Section 31, of chapter 379, of the laws of 1891, entitled "An act relating to the manner of conducting elections to secure the purity and secrecy of the ballot," is hereby amended so as to read as follows: Section 31. Voting districts or precincts shall be composed of compact or contiguous territory, and so arranged that no such voting district or precinct shall contain more than five hundred voters or fraction of one hundred in excess thereof, according to the vote cast at the last general election, and if after any election to be held, it shall appear that more than six hundred votes were cast at such voting district or precinct, it shall be the duty of the officers now charged by law with the division or alteration of voting districts or precincts, four months prior to the first succeeding general election, to redivide the ward, town or other territory in which such voting precinct may be located, in the manner by law provided for dividing wards or towns into voting precincts. If such officers shall fail to make such redivision within said time, any voter of such city or town may upon petition apply to the circuit court of the county, or to the presiding judge of said court, in which such city or town is located, for an order commanding said officers to redivide said ward or town, according to the provisions of this act, within a reasonable time to be fixed by the court or judge in the order, and if such officers shall refuse, fail or neglect to comply with the provisions of such order, they shall be adjudged guilty of contempt as any other case of disobedience of lawful orders, and punished as provided in chapter 150, of the Revised Statutes of Wisconsin. If for any

Voting precincts, how composed and divided.

Redivision of, when more than six hundred votes cast.

cause no voting precinct shall be redivided as required hereby, the election shall not be invalidated by being held at the precincts previously established where the last preceding election was held. All elections for justices of the supreme court, circuit judges, county judges or municipal judges in any town divided into two or more election precincts, shall be held at each precinct or voting place in said town; and at the opening of the polls two additional ballot clerks for the same shall be chosen *viva voce* by the electors there present. All ballots cast at any judicial election in any town or precinct in this state shall be prepared and distributed at the public expense, according to the provisions of law, and shall be separate from the ballot for town officers and deposited in a separate box. The votes cast and received for such judicial officers in such town or precinct shall be counted, canvassed, certified and returned in and from each precinct in the same manner in all respects as in towns consisting of only one election precinct or voting place.

Judicial elections.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 20, 1893.

No. 119, S.] [Published March 25, 1893.

CHAPTER 45.

AN ACT to amend sections 4 and 5, of chapter 357, of the laws of 1883, relating to the appointment of a register in probate for Fond du Lac county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4, of chapter 357, of the laws of 1883, is hereby amended so as to read as follows: Section 4. Such register in probate shall receive a salary out of the county treasury of Fond du Lac county in a sum to be fixed by

Amends sec. 4, ch. 357, laws of 1883.

Salary of register in probate.

the county board of Fond du Lac county, which sum shall not be less than five hundred dollars *per annum*, and the same shall be payable quarter-yearly in the same manner as the salaries of other county officers are payable, and shall be in lieu of all fees and charges for any service whatever. And the said register in probate shall collect no fees, except for certified copies of papers and records. He shall keep an account thereof, and shall quarter-yearly pay the same into the county treasury. Fees.

SECTION 2. Section 5, of chapter 357, of the laws of 1883, is hereby amended so as to read as follows: Section 5. And the said salary shall be in lieu of all clerk hire; the county judge nor his clerk nor register in probate shall receive any money from said county as clerk hire or fees of any kind, after the passage of this act, except as provided in section 4, as amended. And no examinations in criminal cases shall hereafter be held by the county judge of Fond du Lac county. Amends sec. 5, ch. 357, laws of 1883. Clerk hire, salary to be in lieu of. Criminal cases, no examination in.

SECTION 3. This act shall take effect and be in force from and after the fixing of the salary of said registre in probate by the county board of Fond du Lac county.

Approved March 21, 1893.

No. 323, A.] [Published March 25, 1893.

CHAPTER 46.

AN ACT to amend section 1815, of the Revised Statutes, relating to laborers' wages on railroads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1815, of the Revised Statutes, is hereby amended by inserting the words "or repair," after the words "the construction" in the second line thereof, and inserting the words "or repair" after the words "of construction," in the third line thereof, by inserting the words "or repairing" after the words "in con- Amends sec. 1815, R. S.

structing" in the fifth line thereof, by inserting the words "or repairing" after the word "constructing" in the eighth line thereof; so that when so amended, it shall read as follows: Section 1815. As often as any contractor for the construction or repair of any railroad, or part thereof in progress of construction or repair shall be indebted to any laborer for thirty days' labor, or less, either manual or team labor, or both, including team and driver, performed in constructing or repairing such road, such laborer may, within thirty days after the claim or demand of such laborer shall have accrued, serve notice in writing, signed by him, his agent or attorney, on the corporation either owning or constructing or repairing such road, that he claims such indebtedness, stating the amount thereof, the number of days' labor, and the time when performed, and the name of the contractor from whom due; and thereupon such corporation shall be directly liable to such laborer for the amount so due him; provided, he bring his action therefor within sixty days after the service of such notice. Such notice shall be served by delivering a copy thereof to an engineer, agent or superintendent in the corporation's employment, having charge of the part of the road on which such labor was performed, personally, or by leaving the same at his office or usual place of business, with some person of suitable age therein.

Railroads, laborers' lien for wages.

Notice, how served.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 21, 1893.

No. 495. A.] [Published March 25, 1893.

CHAPTER 47.

AN ACT to amend section 2452, of the Annotated Statute, srelating to county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2452, S. & B.'s Anno. Stat.

SECTION 1. Section 2452, of the Annotated Statutes of Wisconsin, is hereby amended by inserting after the word "court" in the first line therein, the words, "or his law partner;" so that said section, when amended, shall read as follows: Section 2452. No judge of the county court, or his law partner, or his clerk, or any person employed in or about his office, shall be retained or employed as solicitor, attorney or counsel, in any action or matter which may depend on, or in any way relate to any judgment or decree made or passed by him; nor shall he be solicitor, attorney or counsel for or against any executor, administrator, trustee or guardian, appointed within his jurisdiction, in any action brought by or against the executor, administrator, trustee or guardian, as such, nor in any action relating to the official conduct or duty of such party.

County judge, when may not act as attorney. Law partner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1893.

No. 695, A.] [Published March 25, 1893.

CHAPTER 48.

AN ACT to authorize the city of Milwaukee to pay to H. R. Bond and Enoch Chase a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Sum of money may be paid to H. R. Bond and Enoch Chase.

SECTION 1. The city of Milwaukee is hereby authorized and empowered to pay to H. R. Bond and Enoch Chase the sum of forty-five hundred dollars in full for all claims, demands and equities in their behalf existing, for and on account of the construction of the Menominee special sewer in said city, as assignees of a certain contract entered into by one T. D. Drew, as contractor with the city of Milwaukee, for the construction of said sewer.

SECTION 2. Any act or provision of law, contravening or interfering with the provisions of this act are, so far as they relate to the authority of the city of Milwaukee, to pay the above mentioned sum to the above named parties, suspended.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1893.

No. 41, A.] [Published March 25, 1893.

CHAPTER 49.

AN ACT to authorize the county of Dunn to build, equip and maintain a free ferry across the Chippewa river, within the limits of Dunn county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county of Dunn and its successors and assigns, is hereby authorized to build, equip and maintain a free ferry across the Chippewa river within the limits of said county. May maintain free ferry.

SECTION 2. The county board of supervisors of said county is hereby authorized to provide for the building, equipping and maintaining of such ferry.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 22, 1893.

No. 59. A.] [Published March 29, 1893.

CHAPTER 50.

AN ACT to authorize Carl Kleinschmidt and his assigns to build and maintain a dam on Devil creek.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Carl Kleinschmidt and his assigns are hereby authorized and empowered to erect, keep up and maintain a dam across Devil creek, in Lincoln county, at the following point, to-wit: On the east half of the northeast quarter of section twenty, in township thirty-one north, range six east, for the purpose of facilitating the driving of logs and of creating a mill-pond. Location of dam.

Sluiceway.

SECTION 2. Said dam may be of sufficient height for the purposes for which it is to be used, and shall be constructed with a suitable sluiceway to run logs or timber over the same.

Lands not to be flowed without compensation.

SECTION 3. This act shall not be so construed as to authorize said Carl Kleinschmidt or his assigns to flow any lands of the state or individuals, by virtue of the erection or maintenance of said dam as aforesaid, without making compensation therefor.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 266, A.] [Published March 29, 1893.

CHAPTER 51.

AN ACT relating to cemeteries, and amendatory of section 2, chapter 315, of the laws of 1887, entitled, "An act to provide for the enlargement of cemeteries in certain cases, and to amend section 1454, of the Revised Statutes, in relation to cemeteries."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2, ch. 315, laws of 1887.

SECTION 1. Section 2, of chapter 315, of the laws of 1887, is hereby amended by inserting after the word "cemetery," where it occurs in lines nineteen and twenty, of said section 2, the following: "With the improvements thereon, and of each tract or parcel thereof, and of each separate estate therein, and the damages sustained by the owner or owners of such lands by reason of the taking thereof." Also by inserting after the word "application," where it occurs in line twenty-two of said section 2, the following: "Provided, however, that in no case excepting in incorporated cities or villages shall lands be taken under the provisions of this act so as to bring the boundary lines of such cemetery nearer than twenty rods to a residence owned

by the occupant thereof, without the written consent of such resident owner," so that when amended such section shall read as follows:

Section 2. Whenever it shall become necessary to enlarge any public cemetery grounds, by adding thereto the lands adjoining the same, and the owner or owners of the adjoining lands refuse to sell the same to the proper authorities, or demand an exorbitant price therefor, then in such case an application may be made in writing to the county judge of the county in which said cemetery grounds are situate, by twelve or more resident freeholders of the town, city or village in which said cemetery is located, setting forth that the owner or owners of the lands adjoining will not sell the same, or that he or they ask an exorbitant price therefor, stating the price, whereupon the said county judge shall appoint three commissioners, residents and freeholders of the county, but not of the town, city or village where said cemetery is located, to appraise the value of the lands deemed necessary to be added to said cemetery with the improvements thereon, and of each tract or parcel thereof, and of each separate estate therein, and the damages sustained by the owner or owners of such lands by reason of the taking thereof. But the damages assessed by said commissioners shall in no case exceed the price stated in the application. Provided, however, that in no case, excepting in incorporated cities or villages shall, lands be taken under the provisions of this act, so as to bring the boundary lines of such cemetery nearer than twenty rods to a residence owned by the occupant thereof without the written consent of such resident owner. Said commissioners, after giving ten days' notice to all parties interested, shall meet at said cemetery and decide upon the value of said lands. The commissioners shall file their report in writing, with the county judge, within ten days after the appraisement, and upon payment into the court by the proper authorities, of the amount of the damages so appraised by the commissioners to be by him paid to the owner or owners of said land, the land so appraised and condemned shall become a part of the said cemetery grounds. Either party may appeal from the determination of the commissioners, in the same manner as pro-

Lands adjoining cemetery grounds, how may be obtained.

Commissioners, how appointed.

Consent of land owner, when must be given.

Appeals.

vided for in section 1276, of the Revised Statutes, providing for appeals from the determination of town boards in the laying out and altering highways. The commissioners employed under the provisions of this act shall receive for their compensation two dollars per day for each day actually employed, and six cents per mile for each mile actually and necessarily traveled in the performance of their duties, to be paid by the town, city or village in which such cemetery is located.

Compensation of commissioners.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 154, S.] [Published March 29, 1893.

CHAPTER 52.

AN ACT to appropriate to the governor's contingent fund a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to governor's contingent fund.

SECTION 1. There is hereby appropriated to the governor's contingent fund, out of any moneys not otherwise appropriated, the sum of two thousand dollars *per annum*, for the years 1893 and 1894.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 152, S.] [Published March 29, 1893.

CHAPTER 53.

AN ACT to extend the provisions of chapter 205, of the laws of 1891, entitled, "An act to provide for the purchase and distribution of Sanborn and Berryman's Annotated Statutes, and to appropriate money therefor."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Provisions of sec. 1, ch. 205, laws of 1891, extended to certain offices, towns, etc.

SECTION 1. The provisions of section 1, of chapter 205, of the laws of 1891, are hereby extended and continued in force for the purpose of supplying such offices, institutions, towns, cities and villages therein mentioned as have been created or organized since the distribution of the statutes therein provided was made, or as may hereafter be created or organized, with the Annotated Statutes of Wisconsin, upon the same terms and conditions, and subject to all the provisions of said chapter, except that no village which has been supplied with statutes pursuant to that chapter, and which has since been or may hereafter be organized as a city, shall be supplied under the provisions of this act.

Appropriation.

SECTION 2. There is hereby appropriated out of any money in the treasury, not otherwise appropriated, a sum sufficient to pay for the statutes which may be purchased pursuant to this statute, and also a sum sufficient to pay for the copies of said Annotated Statutes which have been furnished this legislature pursuant to joint resolution number three, senate; provided, that the price per copy of said statutes delivered in the city of Madison, shall not exceed four dollars and fifty cents per volume. The provisions of section 3, of chapter 205, of the laws of 1891, shall govern the auditing of the accounts which may be rendered pursuant to this chapter.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 143, S.] [Published March 29, 1893.

CHAPTER 54.

AN ACT authorizing the State Historical Society of Wisconsin to sell and convey certain real estate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May sell certain real estate in city of Madison.

SECTION 1. The State Historical Society of Wisconsin is hereby authorized to sell and convey certain real estate on West Washington avenue, city of Madison, known as "the Draper homestead," being lot number four, block number fifty-one, according to the recorded plat of said city, and the buildings thereon. The proceeds from such sale shall go to said society's binding fund.

Deed, how executed.

SECTION 2. Whenever the executive committee of said society shall sell said real estate, the deed or conveyance thereof shall be signed by the president and corresponding secretary, attested by the recording secretary, with the seal of the society affixed thereto, and shall be acknowledged before some proper officer authorized to take the acknowledgment of deeds.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 113, S.] [Published March 29, 1893.

CHAPTER 55.

AN ACT relating to weights and measures, and amendatory of section 1665, of the Revised Statutes of 1878, as amended by chapter 121, of the laws of 1881, and amendatory of section 1668, of the Revised Statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1665, R. S., as amended.

SECTION 1. Section 1665, of the Revised Statutes of 1878, as amended by chapter 121, of the laws of 1881, is hereby amended by adding at the end of said section the following to-wit: "And eight pounds for a bushel of plastering hair."

Standard for unslacked lime.

SECTION 2. Section 1668, of the Revised Statutes of 1878, is hereby amended by adding at the end of said section the following, to-wit: "A barrel of unslacked lime shall be ascertained by weight and shall be computed at two hundred pounds."

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 130, S.] [Published March 29, 1893.

CHAPTER 56.

AN ACT to amend chapter 93, of the laws of 1885, entitled, "An act to amend section 436, of the Revised Statutes of 1878, relating to common schools."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends ch. 93, laws of 1885.

SECTION 1. Chapter 93, of the laws of 1885, amendatory of section 436, of the Revised Statutes of 1878, be and the same is hereby amended

by striking out the word "unanimously," where it occurs in section 1, of said act, so that said section, when so amended, shall read as follows:

Books, etc., for common schools and school districts, how may be purchased.

Section 436. The said board shall have power to purchase a record book and such other books, blanks and stationery as may be necessary to keep a record of the proceedings of the district meetings, and the account of the treasurer, and for doing the business of the district in an orderly manner, and such maps, charts, globes and school apparatus as have been or may be approved as suitable for use of the schools by the state superintendent, or by the county superintendent of the county, not exceeding seventy-five dollars in value in any one year, and such school books as in their judgment may be necessary for the use of any children attending in their district, whose parents and guardians may not be able to furnish the same. All such purchases shall be approved at a regular meeting of said board at which all the members thereof shall be present. The district board shall keep an accurate account of all expenses incurred by them under the provisions of this section, and present an itemized statement of the purchases to the annual school district meeting.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 116, S.] [Published March 29, 1893.

CHAPTER 57.

AN ACT to prevent oppressive garnishment and the transferring of claims for the purpose of depriving debtors of their exemption rights.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whoever, whether principal, agent or attorney, with intent thereby to deprive any

bona fide resident of the state of Wisconsin of his or her rights, under the statutes of Wisconsin on the subject of the exemption of property from levy and sale on execution, or in attachment or garnishment, sends or causes to be sent out of the state of Wisconsin any claim for debt to be collected by proceedings in attachment, garnishment, or other mesne process when the creditor, debtor or person, or corporation owing for the earnings intended to be reached by such proceedings in attachment are, each and all within the jurisdiction of the courts of the state of Wisconsin, shall, upon conviction thereof, be fined for each and every claim so sent, in any sum not less than ten dollars nor more than fifty dollars.

Exemption rights, sending claims to another state for garnishment in order to avoid.

Penalty.

SECTION 2. Whoever, either direct y or indirectly, assigns or transfers any claim for debt against a citizen of Wisconsin for the purpose of having the same collected by proceedings in attachment, garnishment, or other process, out of the wages or personal earnings of the debtor, in courts outside of the state of Wisconsin when the creditor, debtor, person or corporation owing the money intended to be reached by the proceedings in attachment are each and all within the jurisdiction of the courts of the state of Wisconsin, shall, upon conviction thereof, be fined in any sum not less than ten dollars, nor more than fifty dollars for each offense.

Exemption rights, transferring claims in order to avoid.

Penalty.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 59, S.] [Published April 1, 1893.

CHAPTER 58.

AN ACT to appropriate to the Wisconsin State Firemen's association a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Wisconsin State Firemen's association.

SECTION 1. There is hereby appropriated to the Wisconsin State Firemen's association, incorporated under the laws of the state of Wisconsin, the sum of one thousand dollars, out of any moneys in the treasury not otherwise appropriated. This appropriation is made to cover the years 1893 and 1894, and shall be paid to said association in two annual equal payments, to-wit: in 1893 and 1894.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1893.

No. 88, S.] [Published April 1, 1893.

CHAPTER 59.

AN ACT to amend section 1765, of the Revised Statutes, concerning dividends.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1765, R. S.

SECTION 1. Section 1765, of the Revised Statutes, is hereby amended by adding at the end of the section the following proviso, to-wit: "Provided, that any corporation which has invested, or hereafter may invest, its net earnings or income, or any part thereof, in permanent additions to its property, or whose property shall have increased in value, may lawfully declare a dividend upon its capital, payable to stockholders,

either in money or in stock, to the extent of the net earnings or income so invested, or of the said increase in the value of its property, but the total amount of such dividend shall not exceed the actual cash value of the assets owned by the company in excess of its total liabilities, including its capital stock," so that the section, as amended, will read as follows: Section 1765. No dividends shall be paid out to the stockholders of any corporation until the capital stock has been fully paid in. And no dividend shall thereafter be declared or paid by the directors of any corporation, except out of net profits properly applicable thereto, and which shall not in any way impair or diminish the capital; and if any such shall be paid, every stockholder receiving the same shall be liable to restore the full amount thereof, unless the capital be subsequently made good; and if the directors of any corporation shall pay any such dividend before the capital stock is fully paid in, or shall pay any such dividend when the corporation is insolvent, or in danger of insolvency, not having reason to believe that there were sufficient net profits properly applicable thereto to pay the same without impairing or diminishing the capital, they shall be jointly and severally liable to the creditors of the corporation at the time of declaring such dividend to the amount of their debts, provided, that any corporation which has invested or hereafter may invest its net earnings or income, or any part thereof, in permanent additions to its property, or whose property shall have increased in value, may lawfully declare a dividend upon its capital, payable to stockholders, either in money or in stock, to the extent of the net earnings or income so invested, or of the said increase in the value of its property; but the total amount of such dividend shall not exceed the actual cash value of the assets owned by the company in excess of its total liabilities, including its capital stock.

Dividends of corporations.

Stock dividends.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 24, 1893.

No. 285, A.] [Published April 1, 1893.

CHAPTER 60.

AN ACT to provide for the place of trial of certain actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trespass on public lands, where action may be brought.

SECTION 1. All actions brought to recover damages for trespass upon public lands, when the amount in controversy exceeds the sum of two hundred dollars, may be commenced in the county of Dane, or in the county in which the trespass shall have been committed, at the option of the attorney general, and shall not be subject to any change of venue therefrom.

Proceedings in lieu of change of venue.

SECTION 2. Whenever the defendant in such action shall file his affidavit that he has good reason to believe, and does believe, that he cannot have a fair trial of such action, on account of the prejudice of the judge, naming him, such judge may, during the then current term of court, if the application is made at a term at which the action or proceeding is triable, or at the next term, if it is made in vacation, call upon some other circuit judge or judges to attend and hold court during such current or next term, for the purpose of trying such actions or proceedings in which such affidavit of prejudice has been filed. And if such other judge or judges, as may be necessary or convenient, can so attend and hold court for such purpose and at such term, then current or next ensuing to the time of such application, the same shall be done with the same effect as if said cause had been tried by the judge of the circuit wherein such action is pending.

SECTION 3. All acts, and parts of acts, inconsistent with this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1893.

No. 209, A.] [Published April 1, 1893.

CHAPTER 61.

AN ACT to amend section 1688, of the Revised Statutes of Wisconsin, relating to the rate of interest.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1688, of the Revised Statutes of Wisconsin for the year 1878, is hereby amended so as to read as follows: Section 1688. The rate of interest upon the loan or the forbearance of any money, goods or things in action, shall be six dollars upon the one hundred dollars for one year, and after that rate for a greater or less sum, or for a longer or a shorter time; but it shall be competent for parties to contract for the payment and receipt of a rate of interest not exceeding ten dollars on one hundred dollars as aforesaid; in which case such rate exceeding six dollars on one hundred dollars shall be clearly expressed in writing.

Amends sec. 1688, R. S.

Rate of interest six per cent.

Contract for ten per cent. may be made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 27, 1893.

No. 250, A.] [Published April 3, 1893.

CHAPTER 62.

AN ACT to amend sections 4021 and 4024, of chapter 173, of the Annotated Statutes of Wisconsin, entitled, "Of the adoption of children."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4021, of chapter 173, of the Annotated Statutes of 1889, is hereby amended by introducing after the words "shall join there-

Amends sec. 4021, S. & B's. Anno. Stat.

in," and before the words "nor shall any," the following: "except that when such petitioner shall be married to the natural father or natural mother of such child, then such joinder by such father or mother shall be deemed unnecessary;" so that the section shall read as follows: Section 4021. Any inhabitant of this state may petition the county court in the county of his residence, for leave to adopt a child not his own by birth; but no such petition made by a married person shall be granted unless the husband or wife of the petitioner shall join therein; excepting that when such petitioner shall be married to the natural father or mother of such child, then such joinder by such father or mother shall be deemed unnecessary, nor shall any such petition be granted unless the child, if of the age of fourteen years or more, shall consent thereto in writing in the presence of the court. And such child may be adopted after arriving at the age of twenty-one years, as well as before reaching that age.

Children, how may be adopted.

Amends sec. 4024 of same.

SECTION 2. Section 4024, of chapter 173, of the Annotated Statutes of 1889, shall also be amended by adding thereto the following: "except that where the adopted parent of such child shall be married to one of the natural parents of such child, then the relation of such child toward such natural parent so married to the adopted parent, shall be in no way altered by such adoption, and the mutual rights and obligations of such natural and adopted parent toward such child shall be exactly the same as if such child were the natural child of both the natural parent and the adopted parent;" so that section 4024 shall read as follows: Section 4024. A child so adopted shall be deemed for the purposes of inheritance and succession by such child, custody of the person and right of obedience by such parents by adoption, and all other legal consequences and incidents of the natural relation of parents and children, the same to all intents and purposes as if such child had been born in lawful wedlock of such parents by adoption; excepting that such child shall not be capable of taking property expressly limited to the heirs of the body of such parents. The natural parents of such child shall be deprived, by such order of adoption, of all legal rights whatsoever respect-

Adopted children, rights of.

Natural parent, no legal rights unless married to adopted parent.

ing such child, and such child shall be freed from all legal obligations of maintenance and obedience to such natural parents; except that where the adopted parent of such child shall be married to one of the natural parents of such child, then the relation of such child toward such natural parent so married to the adopted parent shall be in no way altered by such adoption, and the mutual rights and obligations of such natural and adopted parent toward such child shall be exactly the same as if such child were the natural child of both the natural parent and the adopted parent.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 65, S.] [Published April 3, 1893.

CHAPTER 63.

AN ACT making it a crime to have in possession burglarious instruments, and prescribing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Every person who shall knowingly have in his possession any engine, machine, tool or implement adapted and designed for cutting through, forcing or breaking open any building, room, vault, safe or other depository in order to steal therefrom any money or property, knowing the same to be adapted and designed for the purposes aforesaid, with intent to use or employ the same for the purposes aforesaid, shall be, on conviction thereof, punished by imprisonment in the state prison not more than ten years, or by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Burglarious instruments, what are.

Penalty.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 269. A.] [Published April 3, 1893.

CHAPTER 64.

AN ACT to punish trespass upon public lands.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Trespass, of what to consist.

SECTION 1. Any person who shall cut down, injure or destroy any tree or timber growing or standing upon land belonging to or mortgaged to or held in trust by the state, or who shall take and carry away any timber or wood so cut or severed, or previously cut or severed and remaining upon said land, or who shall take or carry away any mineral, earth or stone from such land,

Penalty.

shall be punished by imprisonment in the county jail not more than six months, or by a fine not exceeding one hundred dollars.

SECTION 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 37, A.] [Published April 3, 1893.

CHAPTER 65.

AN ACT to repeal section 3, of chapter 239, laws of 1887, entitled "An act to create a municipal court for the county of Lincoln."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3, of chapter 239, of the laws of 1887, entitled "An act to create a municipal court for the county of Lincoln," is hereby repealed. Repeals sec. 3, ch 239, laws of 1887.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 341, A.] [Published April 3, 1893.

CHAPTER 66.

AN ACT to amend section 1934, of the Revised Statutes of Wisconsin, as amended by section 3, chapter 146, of the laws of Wisconsin for the year 1882, and chapter 253, of the laws of Wisconsin for the year 1889, relating to secretaries of town insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1934, of the Revised Statutes of Wisconsin, as amended by section 3, chapter 146, of the laws of 1882, and chapter 253, of the laws of 1889, is hereby amended by adding to the end thereof the following: "and the secretary of any town insurance company is hereby authorized to administer oaths and take acknowledgements necessary to adjust claims against his company; provided, that said secretary shall receive no compensation for such service," so that when Amends sec. 1934 R. S. as amended.

Town insurance companies, losses, committees of reference, duties, fees, oaths, etc.

amended it shall read as follows: Section 1934. Every member of such corporation who may sustain loss or damage by fire or lightning, shall immediately notify the president of such corporation, or in his absence the secretary thereof, who shall forthwith convene the directors of said corporation, whose duty it shall be, when so convened, to appoint a committee of not less than three nor more than five members of such corporation, except in case the loss is supposed to be less than three hundred dollars, when the president and secretary shall have power to appoint such committee, to ascertain the amount of such loss or damages. Provided, that when any such loss or damage does not exceed in amount one hundred dollars, the president and secretary may, in their discretion, adjust such loss without the appointment of any such committees; and provided further, that the board of directors may appoint a committee of not less than three members of the corporation for the adjustment of all losses that may occur during the year, and in case of the inability of the parties to agree upon the amount of such loss or damage, the claimant may appoint one disinterested person on his part, and upon receiving notice from such claimant of such appointment, the president of the corporation shall forthwith appoint a member of such coporartion, and the two persons so appointed shall forthwith proceed to appoint a third person who shall be disinterested, and the three persons so appointed shall constitute a committee of reference, who shall have full authority to examine witnesses and to determine all matters in dispute, who shall make their award to the president, or in his absence to the secretary of such corporation, which award thereon shall be final. The said committee of reference shall each be allowed the sum of two dollars per day for each day's service so rendered, and the sum of five cents per mile for each mile necessarily traveled in the discharge of such duties, which shall be paid by the claimant, unless the award of said committee shall exceed the sum offered by the corporation in liquidation of such loss or damage, in which case the said expense shall be paid by said corporation. Before entering upon their duties, said committee of reference shall each of them be duly sworn to faithfully and

impartially discharge the duties thereof, and the secretary of any town insurance company is hereby authorized to administer oaths and take acknowledgments necessary to adjust claims against his company; provided, that said secretary shall receive no compensation for such service.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 452, A.] [Published April 3, 1893.

CHAPTER 67.

AN ACT to fix the terms of the circuit court in the Twelfth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The terms of the circuit court for the Twelfth judicial circuit shall be held as follows: In the county of Rock, on the fourth Monday in January, the fourth Monday in April, and the Wednesday next after the first Monday in November; in the county of Green, on the first Tuesday in March, the third Tuesday in June, and the second Tuesday in October; in the county of Jefferson, on the first Monday in February, the second Tuesday in June, and the third Monday in September; but no jury shall be summoned for either of the terms in this circuit appointed to be held in the months of January and June. Terms of court. Jury, when not to be summoned.

SECTION 2. Every term in this circuit shall also be a special term for the whole judicial circuit. Special terms

SECTION 3. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 51, S.] [Published April 3, 1893.

CHAPTER 68.

AN ACT to reduce court expense in the circuit courts and providing for the payment of fees of referees, etc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Referees, when fees of to be paid by county.

SECTION 1. In all actions now pending or hereafter commenced in any circuit court or coming into any such court on appeal, in which a compulsory reference has been or shall be ordered by the court as provided by law, the fees and expenses of the referee or referees in all such actions shall be paid by the county in the circuit court for which the action is commenced or is pending on appeal, in the same manner as other court expenses of said court are paid; and the amount of fees and expenses such referee or referees shall be entitled to shall be fixed by the court in which the action is pending upon the coming in of the report.

When reporter to attend trial.

SECTION 2. In all actions now or hereafter referred in the manner mentioned in section 1, of this act, the court may direct or order the reporter of the court in which the action is pending to attend the trial of such action and take the evidence and proceedings therein and furnish the referee or referees with a transcript thereof in longhand when required by the court, and

Compensation.

for such services he shall receive the same compensation as provided by law for similar services in the cicruit courts, and treated as if such services had been rendered in said circuit court, the amount of such compensation to be fixed by the court upon the coming in of the report, and such compensation shall be paid by the county in which the action was commenced or is pending on appeal, in the manner now provided by law.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 122 S.] [Published April 3, 1893.

CHAPTER 69.

AN ACT to authorize courts of record to proceed with public business upon certain legal holidays and to repeal chapter 377, of the laws of 1891.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Court may be held on certain legal holidays.

SECTION 1. Whenever any legal holiday, other than the Fourth of July, Christmas, and the day on which any general election shall be held, shall occur during any term of any court of record of this state, said court may, in its discretion, hold court on such holiday, and the court may proceed with the business of the term thereon, in like manner and with like effect as upon any other day, any general statute of the state now existing to the contrary notwithstanding.

Repeal ch. 377 laws 1891.

SECTION 2. Chapter 377, of the general laws of 1891, entitled "An act relating to terms of courts and legal holidays in the Eleventh judicial circuit," is hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 194, S.] [Published April 3, 1893.

CHAPTER 70.

AN ACT providing for the purchase of additional volumes of the Wisconsin reports and digests, and to appropriate money therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for purchase of Simmons' new digest and necessary Wisconsin reports.

SECTION 1. The superintendent of public property is hereby authorized to purchase from time to time, such volumes of Simmons' new digest of Wisconsin reports, and such volumes of the reports of the supreme court of this state, as may be required to complete such sets as may be necessary to supply new counties, and such new courts of record as by law are entitled to receive sets thereof.

SECTION 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated a sum sufficient to carry out the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 224, S.] [Published April 4, 1893.

CHAPTER 71.

AN ACT to amend section 3966, of the Revised Statutes, relating to the bonds of guardians of minors, and to provide for the enforcing of such bonds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 3966, R. S.

SECTION 1. Section 3966, of the Revised Statutes of 1878, is hereby amended to read as follows: Section 3966. Every such guardian, be-

fore he shall enter upon the execution of his trust, and before letters of guardianship shall issue, shall give bond to the judge of the county court in such sum as he may direct, with sureties to be approved by said judge, with conditions as follows: Bonds of guardians, what conditions to contain.

1. To make a true inventory of all the estate, real and personal, of his ward, that shall come to his possession or knowledge, and to return the same into the county court of the proper county, within such time as the judge shall order;

2. To dispose of and manage all such estate according to law and for the best interests of the ward, and faithfully to discharge his trust in relation thereto, and also, when required, in relation to the care, custody and education of the ward;

3. To render an account on oath of the property, real and personal, of the ward in his hands and all proceeds or interest derived therefrom, and of the management and disposition of the same, within one year after his appointment, and annually thereafter, and at such other times as the proper court shall direct;

4. At the expiration of his trust to settle his accounts with the county court or with the ward if he be of full age, or his legal representatives, and to pay over and deliver all the property, real and personal, remaining in his hands or due from him on such settlement, to the person lawfully entitled thereto.

SECTION 2. Any bond given by a guardian for the benefit of a minor may be put in suit for the use and benefit of the ward or of any person interested in the estate; and the proceedings in such suit shall be instituted and conducted in like manner as is provided with respect to suits on bonds of executors or administrators. How sued upon.

SECTION 3. Any action upon such bond by or in behalf of one ward shall not bar or in any way affect the right of any other ward or wards interested to bring and maintain an action thereon, but separate or joint action may be maintained thereon by or in behalf of any or all persons interested. Same.

SECTION 4. This act shall in no way impair the validity or effect of any bonds given by a guardian prior to the time of its taking effect, or

the right or remedies now open to any person now or hereafter interested therein.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 226, S.] [Published April 4, 1893

CHAPTER 72.

AN ACT relating to the execution of deeds of trust and mortgages by water works companies and electric light companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Water works and electric light companies, may borrow money and issue bonds.

SECTION 1. Every corporation organized under the laws of this state for the construction, maintenance and operation of water works, and every corporation organized under the laws of this state for the construction, maintenance and operation of electric light systems, may, by a vote of the stockholders owning three-fourths of the capital stock of such corporation then outstanding, borrow from time to time such sum or sums of money, as it may require, and execute and deliver its bonds in such denominations, and payable at such times as it may deem best, and for the purpose of securing the payment of such bonds, and the interest thereon, execute, acknowledge and deliver such mortgage or mortgages, deed or deeds of trust as may be necessary, upon any or all of its property, both real and personal, rights and privileges and franchises, that it may then own, or that it may thereafter acquire, and such corporation may in and by such mortgage or mortgages, deed or deeds of trust provide for the disposal of any of its property, and the substitution of other property in its place, and such substituted and after acquired property, shall, at once, become subject to the terms of, and be embraced in such mortgage or

May mortgage property.

mortgages. deed or deeds of trust. Every such mortgage or deed of trust may be recorded in the office of the register of deeds of the county in which such corporation is located, and such record shall be as valid and have the same force and effect as if filed in the proper office as a chattel mortgage, and so remain until satisfied or discharged, without any further affidavit or proceeding whatever on the part of the mortgagee in such mortgage or the trustee in such deeds of trust, or any of the holders of the bonds secured by such mortgage or such deeds of trust. Mortgage may be recorded, effect of same.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 29, 1893.

No. 147, S.] [Published April 4, 1893.

CHAPTER 73.

AN ACT to amend section 3721, of the Revised Statutes, as amended by chapter 313, of the laws of 1881, and sections 3728 and 3729, of the Revised Statutes, relating to garnishment in justices' courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3721, of the Revised Statutes, as amended by chapter 313, of the laws of 1881, is hereby amended so as to read as follows: Section 3721. The garnishee may appear in person, or by agent or attorney; the affidavit aforesaid shall be deemed a sufficient complaint in this action; and the garnishee may answer the matters alleged in the affidavit either orally or by written answer, duly verified and filed with the papers in the case, and if the answer is oral, it shall be reduced to writing by the justice, and filed with the papers in the case; the action may be adjourned by the garnishee, as in case of a second adjournment in justices' courts in civil actions. Amends sec. 3721 R. S. as amended.

Garnishee, appearance and answer of.

Amends sec. 3728 R. S.

SECTION 2. Section 3728, of the Revised Statutes, is hereby amended by striking out the words "answers upon oath to," where they occur in the second line of said section, and inserting in lieu thereof the word "answer;" and by striking out the words "the interrogatories of the justice," where they occur in the third line of said section, and by striking out the words "to such," where they occur in the twelfth line of said section, and inserting in lieu thereof the words "touching his liability as garnishee;" and by striking out the word "interrogatories," where it occurs in the thirteenth line of said section; so that said section, when amended, shall read as follows: Section 3728. When a garnishee shall fail to appear, or appearing, shall fail to make full answer touching his liability as garnishee, the justice shall enter such fact in his docket, and he shall be adjudged to be indebted to the defendant; and if judgment shall be rendered in favor of the plaintiff against the defendant, judgment in favor of the plaintiff shall be entered against such garnishee for the amount of the judgment against the defendant, and for all costs in the garnishee proceedings, and no such costs shall be paid by the defendant; or, on demand of the plaintiff, he may issue a warrant to arrest the garnishee, which shall be served in the same manner as warrants issued by justices of the peace in civil actions founded on tort, and the garnishee shall be held thereon until he shall make full and direct answers touching his liability as garnishee; and the justice may continue the cause to some other day, if necessary, for further proceedings.

Judgment against garnishee, may be rendered in failure to appear or answer.

Arrest of garnishee.

Amends sec. 3729 R. S.

SECTION 3. Section 3729, of the Revised Statutes, is hereby amended by sriking out the word "examination," where it occurs in the sixth line of said section, and inserting in lieu thereof the words "making of such answer:" so that said section, when so amended, shall read as follows: Section 3729. If the garnishee shall have failed to appear at the proper time, he may afterward appear and answer at any time before final judgment against him, if he shall first pay all costs in the garnishee suit which have accrued up to that time; and when he shall so appear, the justice shall cause the plaintiff to be notified thereof,

Appearance before final judgment.

so that he may be present at the making of such answer.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1893.

No. 158, S.] [Published April 4, 1893.

CHAPTER 74.

AN ACT to amend chapter 268, of the laws of 1891, entitled "An act to enable religious and church corporations to form fire insurance companies for the purpose of insuring church property."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of chapter 268 of the laws of 1891, is hereby amended by striking out the word "two," in the last line of the first subdivision of said section, and inserting in lieu thereof the word "three;" so that the last two lines of said section, when amended, shall read as follows: Provided, that no single risk shall exceed the maximum of three thousand dollars. Amends sec. 2, ch. 268, laws of 1891. Maximum single risk.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1893.

No. 225, S.] [Published April 4, 1893.

CHAPTER 75.

AN ACT to amend section 2172, of Sanborn and Berryman's Annotated Statutes, relating to election of widow to take the provision made for her by law instead of jointure, devise or other provisions made for her in the will of her husband.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2172, S. & B's. Anno. Stat.

SECTION 1. Section 2172, of Sanborn and Berryman's Annotated Statutes, is hereby amended by striking out the words "death of her husband," in the fourth line and inserting the following: "filing of a petition for the appointment of an administrator or for the probate of the will;" so that said section, when so amended, shall read as follows: Section 2172. When a widow shall be entitled to an election under either of the last two preceding sections, she shall be deemed to have elected to take such jointure, devise or other provision, unless within one year after the filing of a petition for the appointment of an administrator or for the probate of the will, she file in the court having jurisdiction of the settlement of his estate, notice in writing that she elects to take the provisions made for her by law instead of such jointure, devise or other provision; and upon filing such notice she shall be entitled to the same dower in his lands, and the same right to the homestead, as if he had died intestate leaving lawful issue, and the same share of his personal estate, as if he had died intestate: provided, that when he shall have died testate, the share of personal estate which she may so take, shall not exceed the one-third part of his net personal estate, and the provisions of this and the two next preceding sections shall not apply to any case where the husband shall die intestate, leaving no issue.

When deemed to have taken jointure or devise.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1893.

No. 170. S.] [Published April 5, 1893.

CHAPTER 76.

AN ACT to amend section 1496, of the Revised Statutes, relating to the duties of the commissioners of fisheries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1496 R. S.

SECTION 1. Section 1496, of the Revised Statutes, is hereby amended by adding thereto the following: "Said board shall be furnished a suitable office in the capitol, at Madison;" so that when so amended said section shall read as follows: Section 1496. The board may adopt by-laws for their government, not inconsistent with law, and shall meet at such times and places as they may prescribe. A majority shall be a quorum. They shall receive no compensation, but shall each be reimbursed his expenses actually and necessarily incurred in the performance of his official duties, out of such appropriation as may be made by the legislature. They shall choose from their number a president, secretary and such other officers as their by-laws may prescribe; but no officer shall receive any compensation, except such as is herein provided for. Said board shall be furnished a suitable office in the capitol, at Madison.

Commissioners of fisheries, meetings, expenses, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1893.

No. 301, S.] [Published April 5, 1893.

CHAPTER 77.

AN ACT to provide for the determination of certain leasehold estates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Lease for a term exceeding fifty years, when may be determined.

SECTION 1. Whenever there shall be any default in the conditions of any lease of lands situated within the state of Wisconsin, or there shall be a breach of the covenants of any such lease, and such lease shall provide for a term exceeding fifty years, and shall require the lessee to erect and construct improvements or buildings upon the land demised, at his own cost, to exceed in value the sum of five thousand dollars, and such improvements shall have been constructed, and the lessor desires to determine said lease, and recover the possession of the property described in such lease, freed from all liens, claims or demands of the lessee therein, it shall be lawful for him to proceed in that behalf, in the manner hereinafter provided.

Action to recover possession of premises, how brought.

SECTION 2. In case of any breach or default as aforesaid, the lessor may institute an action in the circuit court of the county in which the demised premises are situated, against the lessee and all persons claiming under him, to recover the possession of the premises leased, and he shall proceed in all respects as if the action was brought under the statute to foreclose a mortgage upon real estate, except that no sale of the premises shall be ordered, and the judgment shall determine the breach or default complained of, and shall fix the amount due to the lessor at such time, and shall state the several amounts to become due within one year from the entry of said judgment, and said judgment shall further provide that unless the amount adjudged to be due from the lessee, with interest thereon, as provided in the lease, or by law, shall be paid to the lessor within one year from the entry of the judgment aforesaid, and the lessee shall have fully complied with the judgment of the court requiring him to make good any default in the

conditions of said lease, that the said lessee and those claiming under him, shall be forever barred and foreclosed of any title or interest in the premises described in said lease, and during said year ensuing the date of the entry of said judgment, the possession of the demised premises shall remain in the lessee, and he shall receive the rents, issues and profits thereof.

Writ of assistance, when issued.

SECTION 3. If the lessee shall have failed to comply with the terms of said judgment, and the same has not been fully satisfied, and he shall refuse to surrender the possession of the demised premises at the expiration of said year, the lessor shall be entitled to a writ of assistance to be issued and executed in the manner provided by law.

Certain statutes not to apply.

SECTION 4. The statutes of the state of Wisconsin relating to forcible entry and unlawful detainer, shall not apply to leases and property leased, described in section one of this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 293, S.] [Published April 5, 1893.

CHAPTER 78.

AN ACT to legalize the acts and proceedings of the county board of supervisors of Oconto county, in organizing and creating the town of Brazeau in said county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Action legalized.

SECTION 1. Be it enacted that all acts and proceedings of the county board of supervisors of Oconto county, in organizing and creating the town of Brazeau, in said county, be and they are hereby legalized, and the territory comprising said town as described in said proceedings, shall be and the same is hereby declared to be a valid

town in all respects, as if said acts and proceedings had been according to statute in such case made and provided.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 93, S.] [Published April 5, 1893.

CHAPTER 79.

AN ACT to authorize town insurance companies to elect a board of directors.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Board of directors, number, chosen.

SECTION 1. It shall be lawful for any town insurance company, by a two-thirds vote at an annual meeting, to adopt a resolution, providing: First. That thereafter its board of directors shall consist of nine persons. Second. That the directors shall be divided into three classes, each consisting of three persons. Third. That the classes shall be designated as the first, second and third class.

How elected.

SECTION 2. The first class shall be elected for a period of one year, the second class shall be elected for a period of two years, and the third class shall be elected for a period of three years.

Terms of office.

SECTION 3. Whenever the term of any class shall expire, the successors shall be elected for a period of three years. And the directors of each class shall hold office for the term for which they were elected, and until their successors shall be duly elected.

SECTION 4. For the purposes of this act, all acts and parts of acts in conflict herewith, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 278, S.] [Published April 5, 1893.

CHAPTER 80.

AN ACT concerning corporations heretofore organized under chapter 146, of the laws of 1872, and the several acts amendatory thereof, and to cure certain omissions in the organization thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Recording of unverified articles of association not to invalidate corporation.

SECTION 1. In the organization or attempted organization of any corporation under the provisions of chapter 146, of the general laws of 1872, entitled: "An act to authorize the organization of corporations for other than manufacturing, mercantile, insurance, banking, transportation or trading purposes," approved March 25, 1872, and the several acts amendatory thereof, if the copy of the articles of association recorded by the register of deeds of the proper county, required by section 3, of said chapter 146, is not verified as therein required, the omission therefrom of such verification, shall not affect the validity of such corporation, but the same shall be a body politic and corporate, from and after the recording of such copy of the articles of association, the same as though such copy had been duly verified. In any controversy concerning the validity of any such corporation, it shall be presumed that the copy thus recorded is a true copy of the original articles of association, and such copy, or a certified copy of the record thereof, shall be *prima facie* evidence in all courts and places of the organization of such corporation.

Evidence.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 174, S.] [Published April 5, 1893.

CHAPTER 81.

AN ACT to authorize the construction and maintenance of a drain in Green Lake county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Henry Volkman authorized to build drain, location.

SECTION 1. Henry Volkman, his heirs and assigns, are hereby authorized to construct, dig and maintain a drain in section numbered five of township numbered fourteen north, of range numbered eleven east, and in section numbered thirty-two of township numbered fifteen north, of range numbered eleven east, in Green Lake county, Wisconsin, connecting Grand river and Lake Apuckawa; said drain not to exceed twelve feet in width at the top in any place. Said Henry Volkman, his heirs or assigns, shall, before constructing such drain through the lands of any person, obtain the written consent of such person to the construction of such drain through his or her lands, and after obtaining such written consent of all the land owners through whose lands it is proposed to dig and construct such drains, said Henry Volkman, his heirs and assigns, shall be released from any and every liability for damages thereafter arising as the natural result of constructing and maintaining of said drain. But the legislature reserves the right to alter, amend, modify or repeal this act at any time.

Written consent of land owners.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 151, S.] [Published April 5, 1893.

CHAPTER 82.

AN ACT to authorize turnpike and plank road corporations, organized under general laws, to purchase roads constructed under private charters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May purchase private roads.

SECTION 1. Any corporation, now or hereafter organized under general laws of this state for the purpose of constructing and owning a turnpike or plank road, may purchase from any turnpike or plank road company, acting under a private charter, or from the purchaser of the rights and property of any such corporation at judicial, trustee or mortgage sale, the roadbed, superstructure, right of way, toll houses and other property owned by said corporation or their legal successors.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 140, S.] [Published April 5, 1893.

CHAPTER 83.

AN ACT to authorize the governor to appoint a board of commissioners by the name and style of "Commissioners for the Promotion of Uniformity of Legislation in the United States."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners, how appointed, duties.

SECTION 1. Within thirty days after the passage of this act, the governor shall appoint three commissioners, who are hereby constituted a

board of commissioners by the name and style of "Commissioners for the Promotion of Uniformity of Legislation in the United States." It shall be the duty of said commission to examine the subjects of marriage and divorce, insolvency, the form of notarial certificates, descent and distribution of property, acknowledgment of deeds, execution and probate of wills, and other subjects on which uniformity is desirable; to ascertain the best means to effect uniformity in the laws of the state, and to represent the state of Wisconsin in conventions of like commissions heretofore appointed or to be appointed by other states; to consider and draft uniform laws to be submitted for approval and adoption of the several states; and to devise and recommend such other course of action as shall best accomplish the purpose of this act. The term of office of such commissioners shall be two years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 43, S.] [Published April 5, 1893.

CHAPTER 84.

AN ACT to amend section 3976, of the Revised Statutes, relating to guardians for insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 3976 R. S.

Special guardian for insane person, appointment and powers of.

SECTION 1. Section 3976, of the Revised Statutes, is hereby amended by adding thereto the following: "Provided, that where a person has after due judicial examination been adjudged insane and a commitment issued for the patient's confinement, then, if upon petition of a relative, friend or creditor, and upon proof, and if the court shall find that a necessity therefor exists, a special guardian for such insane person shall

be appointed forthwith, without notice, with the power of a special administrator."

SECTION 2. This act shall take effect and be in force from and after its passage and pulication.

Approved March 31, 1893.

No. 138, S.] [Published April 5, 1893.

CHAPTER 85.

AN ACT to amend section 1339, of the Revised Statutes of 1878, relating to damages caused by defective roads.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1339, of the Revised Statutes of 1878, is hereby amended by adding at the end of said section as follows: "But no notice given under the provisions of this section shall be deemed invalid or insufficient, solely by reason of any inaccuracy or failure in stating the time or in describing the place and the insufficiency or want of repair; provided, it shall appear that there was no intention to mislead, and that the party entitled to notice was not in fact mislead thereby."

Amends sec. 1339 R. S.

Notice, when not to be sufficient.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 77, A.] [Published April 5, 1893.

CHAPTER 86.

AN ACT to amend sections 2 and 3, of chapter 184, laws of 1891, entitled "An act to authorize the appointment of a phonographic reporter in the county court of Milwaukee county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2, ch. 184, laws of 1891.

Compensation of reporter.

SECTION 1. Section 2, of chapter 184, of the laws of 1891, is hereby amended to read as follows: Section 2. The shorthand reporter appointed shall be allowed a compensation, to be fixed by the judge of said court, of not more than ten dollars per day for each day's actual attendance, which sum shall be paid by the county treasurer upon the certificate of the register or assistant register in probate.

Transcript of record to be filed, fees.

SECTION 2. Section 3, of said act, is hereby amended to read as follows: Section 3. Said reporter shall make and file with the judge of said court, a fair transcript of each such record thus reported, which shall be paid for by the county treasurer, at the rate of five cents per folio, in the same manner as said reporter's *per diem:* and should any party in any such case thus reported, require a copy of such record, or any part thereof, said reporter shall make the same at the rate of five cents per folio, which shall be paid for by the party requiring such copy.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 134, A.] [Published April 5, 1893.

CHAPTER 87.

AN ACT to abolish days of grace.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. On all notes, drafts, acceptances, bills of exchange, bonds or other evidences of indebtedness, whereby the maker or acceptor shall promise to pay any person, corporation, or order, or the bearer, any sum of money as therein mentioned and in which there is no expressed stipulation to the contrary, no grace according to the custom of merchants shall be allowed, but the same shall be due and payable as therein expressed, on the day and date named, without grace. Days of grace abolished.

SECTION 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force one year from and after its passage and publication.

Approved March 31, 1893.

No. 145, A.] [Published April 5, 1893.

CHAPTER 88.

AN ACT to amend section 3186, of chapter 138, of the Revised Statutes of 1878, entitled "Of general provisions concerning actions relating to real estate."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3186, of the Revised Statutes of 1878, is hereby amended so as to read as follows: Section 3186. Any person having legal title to land, may institute an action against any Amends sec. 3186, R. S. Complaint.

other person setting up a claim thereto, and if the paintiff shall be able to substantiate his title to such land, the defendant shall be adjudged to release to the plaintiff all claim thereto, and to pay the costs of such action, unless the defendant shall, by answer, disclaim all title to such land, and give a release thereof to the plaintiff, in which case he shall recover costs, unless the court shall otherwise order. It shall be sufficient to aver in the complaint in such action the nature and extent of the plaintiff's estate in such land, describing it as accurately as may be, and that he is in possession thereof, or that said land is vacant and unoccupied, and that the defendant makes some claim thereto, and to demand judgment that the plaintiff's claim be established against any claim of the defendant, and that he be forever barred against having or claiming any right or title to the land, adverse to the plaintiff; and the defendant, if he do not so disclaim and release, may answer any matter in denial of the plaintiff's claim, title or possession, or which, if proved, will establish his own, and judgment shall be rendered according to the rights of the parties.

Proof. In all cases where it may be necessary for the plaintiff to offer proof that the defendant is setting up or making some claim to said land, the introduction in evidence of any instrument in writing, theretofore at any time appearing of record, or of the record thereof, or of a duly certified copy of such record, purporting to convey to, or otherwise in any way to affect in favor of the defendant, or any grantor, devisor or ancestor or other assignor of the defendant, said land or any interest therein, adversely to the plaintiff, or under or through which the plaintiff does not trace his claim or title, shall be sufficient proof of the making or setting up of such claim of title on the part of the defendant; and the court may, in any case, receive any other competent evidence, whatsoever, tending to establish the fact of the making or setting up of claim on the part of the defendant. In any such action where a person, or persons, is or are made a party by a fictitious name, or as an unknown owner, heir, grantee, representative or other like designation pursuant to law, the plaintiff shall give in a note at the foot of the summons a brief description of the premises affected thereby. And any per-

When premises to be described in summons.

son not having such title or possession, but being the owner and holder of any lien or incumbrance on land, shall also have the same right of action as the owner in fee, to test the legality and validity of any other claim, lien or incumbrance on such land or any part thereof.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 391. A.] [Published April 5, 1893.

CHAPTER 89.

AN ACT to amend section 14, of chapter 48, laws of 1880, entitled "An act to create a municipal court for the county of Barron."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 14, of chapter 48, laws of 1880, is hereby amended by inserting after the word "statutes," where it appears in the fourteenth line of said section, the following: "provided, however, that the board of supervisors of said county may at their annual meeting in any year, by resolution, abolish the salary of the municipal judge. Said resolution shall be adopted by a majority of all the members of said board, and take effect at the expiration of the term of office of the then incumbent;" so that said section, when so amended, shall read as follows: Section 14. The same fees in all actions, civil and criminal, that are now allowed by law to justices of the peace, it shall be lawful for said municipal judge to charge and collect, and one dollar in addition thereto for every civil action or proceeding in his court. For his services in conducting criminal trials and examinations of offenders, he shall receive a salary of three hundred dollars per year for the first term of said judge, payable quarterly, at the end of each quarter, out of the treasury of said county, an

Amends sec. 14, ch. 48, laws of 1880.

Municipal judge, fees of.

thereafter a salary of not less than three hundred dollars per year, payable in like manner, to be fixed by the board of supervisors of said county, as provided in section 694 of the Revised Statutes; provided, however, that the board of supervisors of said county may at their annual meeting, in any year, by resolution, abolish the salary of the municipal judge. Said resolution shall be adopted by a majority of all the members of said board, and take effect at the expiration of the term of office of the then incumbent. He shall pay over to the treasurer of said county all fines paid him, imposed under the laws of this state.

Salary of, may be abolished.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 768, A.] [Published April 1, 1893.

CHAPTER 90.

AN ACT to amend chapter 8, of the laws of Wisconsin for the year 1893, entitled "An act to create the county of Iron."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends ch. 8, laws of 1893.

SECTION 1. Chapter 8, of the laws of Wisconsin for the year 1893, entitled "An act to create the county of Iron," is hereby amended by adding thereto the following sections: Section 7a. The commission appointed under the provisions of section 7, of this act, shall be paid their compensation by the counties constituted by this act respectively in proportion to the equalized valuation made by the board of supervisors of the county of Ashland of all the real and personal property therein for the year 1892.

Compensation of commissioners, how paid.

SECTION 2. Section 6a. The electors of the said county of Iron shall have no right to vote for county or municipal judge of the county of Ashland at the election to be held April 4, 1893.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 392, A.] [Published April 5, 1893.

CHAPTER 91.

AN ACT to amend section 14, of chapter 168, laws of 1887, as amended by chapter 417, laws of 1891, entitled "An act to create a third municipal court for Barron county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 14, of chapter 168, laws of 1887, as amended by chapter 417, laws of 1891, is hereby amended so as to read as follows: Section 14. The same fees in all actions, civil and criminal, that are now allowed by law to justices of the peace, it shall be lawful for said municipal judge to charge and collect, and one dollar in addition thereto for every civil action or proceeding in his court. For his services in conducting criminal trials and examinations of offenders, he shall receive a salary of three hundred dollars per year, for the term of said judge, commencing on the first Monday of May, A. D. 1891, payable quarterly, at the end of each quarter out of the treasury of said county, and thereafter a salary of not less than three hundred dollars per year, payable in like manner, to be fixed by the board of supervisors of said county, as provided in section 694, of the Revised Statutes; provided, however, that the board of supervisors of said county, may at any annual meeting, by resolution, abolish the salary of said third municipal judge. Said resolution shall be adopted by a majority of all the members of said board, and take effect at the expiration of the term of office of the then incumbent. All fines imposed and collected by said judge for the punishment of any criminal offense under the laws of this state shall

Amends sec. 14, ch. 168, laws of 1887, as amended.

Municipal judge, fees of.

Salary of, may be abolished.

be paid over to the treasurer of said county, in like manner as is provided by law for the justices of the peace.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 393, A.] [Published April 5, 1893.

CHAPTER 92.

AN ACT to amend section 14, of chapter 167, laws of 1887, entitled an "Act to create a second municipal court for Barron county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 14, ch. 167, laws of 1887.

SECTION 1. Section 14, of chapter 167, laws of 1887, is hereby amended so as to read as follows: Section 14. The same fees in all actions, civil and criminal, that are now allowed by law to justices of the peace, it shall be lawful for said municipal judge to charge and collect, and one dollar in addition thereto for every civil action or proceeding in his court. In place of the fees to which said second municipal judge may be entitled for services in conducting criminal trials and examinations of offenders, the county board of supervisors may at any annual meeting, by resolution, fix a salary, not exceeding three hundred dollars per year, payable quarterly, at the end of each quarter, out of the treasury of said county. Said resolution shall be adopted by a majority of all the members of said board, and shall take effect at the expiration of the term of office of the then incumbent. All fines imposed and collected by said judge for the punishment of any criminal offense under the laws of this state, shall be paid over to the treasurer of said county in like manner as is provided by law for justices of the peace.

Municipal judge, fees of

Salary may be provided.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 408, A.] [Published April 6, 1893.

CHAPTER 93.

AN ACT to amend section 2982, Revised Statutes 1878, relating to the exemption of earnings.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2982, of the Revised Statutes of Wisconsin of 1878, as amended by chapter 63, of the laws of 1879, chapter 56, of the laws of 1881, chapter 117, of the laws of 1882, chapter 317, of the laws of 1882, chapter 141, of the laws of 1883, chapter 336, of the laws of 1885, and chapter 536, of the laws of 1887, is hereby amended by adding at the end of subsection 15, the following: "Said earnings shall not exceed one hundred and eighty dollars in all for the three months, as aforesaid, including such part or share thereof, had by or paid to the debtor during said time." So that said subsection, when amended, shall read as follows: 15. The earnings of all married person or persons having a family dependent upon them for support, including the earnings of any minor children whose earnings contribute to the support of such family, for three months next preceding the issue of any attachment, execution or garnishment, or proceedings supplementary to execution, to the amount of sixty dollars only for each month in which such earnings are made or earned, shall not be liable to seizure or sale on execution, or on any provisional or final process issued from any court, or any proceedings in aid thereof; and in case any creditor proceeds by garnishment against any person or party, who shall be indebted to, or have any property whatever, real

Amends sec. 2982, R. S., as amended.

Exempt earnings.

or personal, in his possession or his control, belonging to such creditor's debtor, and such money or property, at the time of serving such process, was by law exempt from seizure or sale upon execution, said garnishee shall be entitled to judgment for his costs of suit; provided, that no property exempted by the provisions of this section shall be exempt from attachment or upon execution issued upon a judgment in an action brought by any person for the recovery of the whole or any part of the purchase money of the same property. Said earnings shall not exceed one hundred and eighty dollars in all, for the three months, as aforesaid, including such part or share thereof had by or paid to the debtor during said time.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 413, A.] [Published April 6, 1893.

CHAPTER 94.

AN ACT to amend section 752b, of Sanborn and Berryman's Annotated Statutes of Wisconsin, relating to county officers.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 752, S. and B's Anno. Stats.

SECTION 1. Section 752b, of Sanborn and Berryman's Annotated Statutes of Wisconsin, is hereby amended so as to read as follows: Section 752b. The district attorney of every county in this state, having a population, as shown from the last census, of one hundred thousand inhabitants, or more, is hereby authorized and empowered to nominate and appoint an assistant district attorney, who shall be an attorney at law, admitted to practice within this state, and who shall have actually practiced in the county wherein he is so appointed for a term of not less than two years, to assist him in the performance

District attorney may appoint assistant when county has over one hundred thousand inhabitants.

of the duties of his office, at a salary of eighteen hundred dollars *per annum:* and he is hereby further authorized and empowered to nominate and appoint a deputy district attorney, who shall be an attorney at law, admitted to practice within this state, to assist him in the performance of the duties of his office, at a salary of one thousand dollars *per annum.* And it is hereby made the duty of the proper county officers to pay to said asistant and deputy district attorneys the compensation so fixed, in the manner provided by law for the compensation of all county officers receiving annual salaries. Said district attorney shall notify the county board of supervisors of the counties wherein such appointments shall be made, of the appointments of his assistant and deputy, who shall be approved by a majority of the conuty board, and thereafter such assistant and deputy shall enter upon the duties of said office. The assistant and deputy district attorneys, so appointed, shall have the powers and perform the duties of the district attorney, except the signing of bills of indictment and informations. Said assistant and deputy district attorneys shall be required to give no bonds and the district attorney shall be responsible for their official acts.

SECTION 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 539, A.] [Published April 6, 1893.

CHAPTER 95.

AN ACT relating to stock of the Wood County Agricultural and Mechanical Association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The records of the Wood County Agricultural and Mechanical Association, hereto- Stock called in

fore organized, having been lost or so inaccurately kept that it is impossible to determine to whom a considerable amount of certificates of stock have been issued, and by whom such stock is held, such association may, at its next annual meeting thereof, by resolution, to be entered of record, call in all stock heretofore issued and issue new certificates in lieu thereof, and when old certificates cannot be produced by the party claiming to be the owner thereof, the association may accept proof of ownership under such regulations as it may establish, and issue new certificates in place of the same. All old stock not returned or stock of which satisfactory proof of ownership is not established, shall be forfeited to the use of the association and shall be deemed cancelled.

Notice, what to be given stockholders.

SECTION 2. The said association shall cause notice of its action, calling in the old stock to be served upon each known owner, personally, or by depositing the same in the postoffice, postage paid, properly directed to him at the postoffice nearest his usual place of residence, at least thirty days prior to the date fixed for such return, and shall cause like notice addressed to all unknown owners to be published in at least two newspapers published in said county, once in each week, for four successive weeks. The time fixed for the return of old stock shall not be less than forty, nor more than sixty days from the date of the passage of the resolution calling in the stock by the said association.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 685, A.] [Published April 6, 1893.

CHAPTER 96.

AN ACT to authorize J. D. Ross and W. C. Silverthorn, their heirs, associates and assigns, to build and maintain a dam across the Wisconsin river, in township number twenty-eight north, of range seven east.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

J. D. Ross and W. C. Silverthorn authorize to build dam.

SECTION 1. J. D. Ross and W. C. Silverthorn, their heirs, associates, and assigns, are hereby authorized to build and maintain a dam across the Wisconsin river on any lands that they may own or control, in township twenty-eight north, of range seven east. They may use such dam for driving, booming and storing logs and timber, and the power thereby created for hydraulic and manufacturing purposes.

Construction.

SECTION 2. Said dam shall be so constructed as not to impede or prevent the running and driving of logs and timber down said stream.

Condemnation proceedings, right to.

SECTION 3. In order to build and maintain said dam and use the same, and for all the purposes in this act specified, the said J. D. Ross and W. C. Silverthorn, their associates, heirs and assigns, shall have the right to take and overflow and use, any lands not now owned or controlled by them, and they may acquire title to said lands, and the right to flow and use the same for such purposes, by and through proceedings of condemnation under the power of eminent domain, as provided and set forth in section 1777, of the Revised Statutes of Wisconsin for the year 1878, and the acts amendatory thereof. The provisions of such section and the acts amendatory thereof are hereby made applicable to said dam and to the acquisition of the title or right to use any lands for the purpose of building, maintaining and using said dam in accordance with this act.

SECTION 4. The right is hereby reserved by the legislature to amend, alter, or repeal this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved March 31, 1893.

No. 194, A.] [Published April 8, 1893.

CHAPTER 97.

AN ACT to authorize town insurance companies to reinsure certain of their risks in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Reinsurance of certain risks.

SECTION 1. Any town insurance company, organized under the laws of this state, shall have the power, which may be exercised in its discretion, at its annual meeting or at a special meeting thereof, convened for that purpose, by a majority of the votes of such corporation cast in like manner as for the election of directors, to authorize its board of directors to effect reinsurance in some other town insurance company of this state, of any risks, amounting to, or exceeding the sum of five thousand dollars, taken by it, and to reinsure similar risks taken by any other such corporation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1893.

No. 314, A.] [Published April 8, 1893.

CHAPTER 98.

AN ACT relating to the chronic insane and amendatory of section 604n, of chapter 32, of Sanborn and Berryman's Annotated Statutes of Wisconsin, relating to state laws applicable to county asylums.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 604n, S. and B's. Anno. Stats.

SECTION 1. Section 604n, of Sanborn and Berryman's Annotated Statutes of this state, is hereby amended by adding the following subdivision thereto, after subdivision 14, on page 379, of said statutes: Subdivision 15. The several county boards of supervisors in this state shall have the power to create an asylum fund, which shall be created with all sums of money received from the state and from other counties for the care of insane and all other revenue derived from whatever source, together with such appropriations for the asylum as may be made from time to time by the county board, and shall be chargeable with all sums paid out for or on account of said asylum.

County asylum fund, may be created.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1893.

No. 444, A.] [Published April 8, 1893.

CHAPTER 99.

AN ACT to authorize the building of a dam across White river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Geo Donielson, et al, authorized to build a dam.

SECTION 1. George Donielson, Samuel C. Knowles and Henry Sherry, their heirs and assigns, are hereby authorized and empowered to erect, keep and maintain a dam not exceeding thirty feet in height across White river, in Ashland county, Wisconsin, on the north one-half of the northeast quarter of section six, township forty-six north, of range four west.

Gates, etc., to be provided.

SECTION 2. Said dam shall be erected and constructed for manufacturing and booming purposes; provided, that said dam shall be provided and furnished with suitable gates, chutes or sluices, so as to allow the free and unobstructed passage of saw logs and timber through the same.

Ch. 318. laws of 1882, and ch. 146, R. S., to apply.

SECTION 3. The control of said dam and its gates, chutes and sluices shall belong to George Donielson, Samuel C. Knowles and Henry Sherry, their associates, heirs and assigns, and subject to the provisions of chapter 318, of the laws of 1882, and all acts amendatory thereof; and the dam so erected to be subject to all the provisions of chapter 146, of the Revised Statutes of 1878, and the acts amendatory thereof.

SECTION 4. The legislature hereby reserves the right to alter, amend or repeal the franchises granted in this act, whenever in the judgment of the legislature it is necessary or proper to do so.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1893.

No. 448, A.] [Published April 8, 1893.

CHAPTER 100.

AN ACT relating to the purchase of claims by justices of the peace and constables, and amendatory of section 4509, of the Revised Statutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 4509, of the Revised Statutes, is hereby amended by inserting after the word "him" in said section the words, "or any witness or juror fees allowed in any case tried before him," so that said section, when so amended, will read as follows: Section 4509. Any justice of the peace or constable, who shall directly or indirectly buy or be interested in buying any bond, note or other demand or cause of action for the purpose of commencing any action thereon before a justice of the peace, or before or after action brought, lend or advance, or agree to lend or advance, or procure to be lent or advanced any money or valuable thing, to any person, in consideration of, or as a reward for, or inducement to, the placing or having placed in the hands of such justice or constable, any debt, demand or cause of action whatever for prosecution or collection, and any justice of the peace who shall purchase directly or indirectly, or be interested in the purchase of any judgment rendered by him or any witness or jury fees allowed in any case tried before him, shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding one hundred dollars, and the sentence therefor shall operate as a forfeiture of his office.

Amends sec. 4509, R. S.

Justice or constable not to buy claims to sue, etc.

Penalty.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1893.

No. 672, A.] [Published April 8, 1893.

CHAPTER 101.

AN ACT to amend section 15, of chapter 207, of private and local laws of the state of Wisconsin for 1867, relating to the charter of the Brodhead school district.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 15, ch. 207, private and local laws of 1867.

SECTION 1. Section 15, of chapter 207, of private and local laws of the state of Wisconsin for the year 1867, is hereby amended by striking out the word "April," where it appears in line two of said section, and inserting in lieu thereof the word "July," so that said section, when so amended, shall read as follows: Section 15. The annual election in said district shall be held on the second Monday of July, of each year. The polls at such election shall be open at one o'clock P. M., and held open until seven o'clock P. M., of the same day. At the first election the district board of school district number seven, embraced within the limits described in section 1, of this act, shall preside and be the judges thereof. At all subsequent elections the said board of education shall preside and be the judges thereof. The report of the result of such elections shall, within five days thereafter, be filed with the town clerk of Decatur. Special meetings of said district may be called at any time by order of the board of education, by giving six days' notice of the time, place and object of said meeting, either by posting notices thereof in three public places in said district, or by causing a notice thereof to be inserted in a public newspaper, if there be one published in said Brodhead, for two successive weeks next preceding the time of holding said meeting.

Annual election, how held.

Special meetings.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1893.

No. 6, S.] [Published April 8, 1893.

CHAPTER 102.

AN ACT to amend section 2039, of the Revised Statutes of this state, as amended by chapter 551, of the laws of 1887, and by chapter 359, of the laws of 1891, relating to charitable trusts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2039, of the Revised Statutes, as amended by chapter 551, of the laws of 1887, and by chapter 359, of the laws of 1891, is hereby amended by striking out the following sentence at the end of said section: "Religious corporations or societies, incorporated or organized under the laws of this state, shall be held and considered charitable corporations, within the provisions of this section; but no gift, grant or devise of real estate to any such literary or charitable corporation shall be valid, unless made at least three months before the death of the person making the same. Provided, however, that no person leaving a widow, child or parent, shall by his last will and testament, devise or bequeath to any benevolent, charitable, literary, scientific, religious, or missionary society, association or corporation, in trust or otherwise, more than one-half of his estate after the payment of his debts, and such devise or bequest shall be valid to the extent of such one-half, and no more."

Amends sec. 2039, R. S., as amended.

Repeals, ch. 359, laws of 1891.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1893.

No. 181, S.] [Published April 8, 1893.

CHAPTER 103.

AN ACT to amend chapter 170, of the Revised Statutes of 1878, relating to guardians and wards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Claims against wards, how examined, adjusted, etc.

SECTION 1. In any case of guardianship under the laws of this state, the guardian of any ward or a creditor of any ward may by verified petition apply to the county court of the county where such ward resides and such guardian was appointed, to receive, examine and adjust the claims and demands of all persons against such ward. Such court shall thereupon, by order, fix a time and place when and where the court will receive, examine and adjust such claims, and shall limit a time within which all claims against such ward must be presented or be barred, and shall by such order direct that notice of the time and place so fixed and limited be given to all parties interested by publication of the substance of such order in a newspaper as provided by section 4045, of the Revised Statutes of 1878, for four successive weeks. The first publication shall be within fifteen days from the date of such order, and the time limited for the presentation of claims shall not be less than six months from the date of such order.

Time for presentation, how extended, procedure.

SECTION 2. The time limited for the presentation of claims as provided in section 1 of this act, may be extended as provided by law in the case of deceased persons, and any claim of the ward against a creditor may be exhibited in offset to the claim of such creditor, and the court shall adjust and ascertain the balance, whether due the creditor or the ward, and render judgment accordingly, and may enforce the judgment by execution or otherwise; and all proceedings relating to the presentation, allowance and payment of claims and demands against any ward shall be substantially like those provided by law in relation to the estates of decedents so far as applicable, unless otherwise provided herein.

SECTION 3. After the county court shall have by its order fixed a time and place and limited the time within which claims may be presented, examined and adjusted against any ward, as provided in this act, no suit shall be commenced and maintained in any court having common law jurisdiction against such ward upon any such claim, as the county court has exclusive jurisdiction of in the estates of decedents. Suit against ward, not to be begun.

SECTION 4. All acts and parts of acts, inconsistent with this act, are hereby repealed, and this act shall take effect and be in force from and after the day of its passage and publication.

Approved April 5, 1893.

No. 85, S.] [Published April 8, 1893.

CHAPTER 104.

AN ACT to protect associations and unions of workingmen in their labels, trade-marks, and forms of advertising.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whenever any person, associa tion or union of workingmen have adopted or shall hereafter adopt, for their protection, any label, trade-mark, or form of advertisement announcing that goods to which such label, trade-mark, or form of advertisement shall be attached, were manufactured by a person, member or members of such association or union, it shall be unlawful for any person or corporation to counterfeit or imitate such label, trade-mark or form of advertisement. Every person violating this section shall upon conviction be punished by imprisonment in the county jail for not less than three months, nor more than one year, or by a fine of not less than fifty dollars, nor more than one hundred dollars, or by both such fine and imprisonment. Counterfeiting trade-marks, etc.

Penalty.

SECTION 2. Every person who shall use any counterfeit or imitation of any label, trade-mark, or form of advertisement of any such person, union or association, knowing the same to be counterfeit or an imitation, shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not less than three months, nor more than one year, or by a fine of not less than fifty dollars, nor more than one hundred dollars, or by both such fine and imprisonment.

Knowingly to use counterfeit, a misdemeanor.

Trade-marks, etc., may be recorded with the secretary of state.

SECTION 3. Every such person, association or union, that has heretofore adopted, or shall hereafter adopt a label, trade-mark, or form of advertisement as aforesaid, may file the same for record in the office of the secretary of state, by leaving two copies, counterparts or fac-similes thereof, with the secretary of state; said secretary shall deliver to such person, association or union so filing the same, a duly attested certificate of the record of the same, for which he shall receive a fee of one dollar. Such certificate of record shall in all suits and prosecutions under this act, be sufficient proof of the adoption of such label, trade-mark, or form of advertisement, and of the right of said person, association or union to adopt the same. No label so nearly alike one already of record as to be mistaken for it, shall be recorded.

Actions may be brought.

SECTION 4. Every such person, association or union adopting a label, trade-mark, or form of advertisement as aforesaid, may proceed by suit, to enjoin the manufacture, use, display, or sale of any such counterfeits or imitations; and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display, or sale, and shall award the complainant in such suit, such damages, resulting from such wrongful manufacture, use, display or sale, as may by said court be deemed just and reasonable, and shall require the defendants to pay such person, association or union the profits derived from such wrongful manufacture, use, display or sale; and said court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case, be delivered to an officer of the court, or to the complainant, to be destroyed.

SECTION 5. Every person who shall use or display the genuine label, trade-mark, or form of advertisement of any such person, association or union, in any manner not authorized by such person, union or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than three months, nor more than one year, or by fine of not less than fifty dollars, nor more than one hundred dollars, or by both such fine and imprisonment. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by any officer or member of such association or union on behalf of and for the use of such association or union. Unauthorized use a misdemeanor. Unincorporated associations, how may sue.

SECTION 6. Any person or persons who shall in any way use the name or seal of any such association or union, or officer thereof, in and about the sale of goods or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor punishable by imprisonment in the county jail of not less than three months, nor more than one year, or by a fine of not less than fifty dollars, nor more than one hundred dollars, or by both such fine and imprisonment. Unauthorized use of name of association a misdemeanor.

SECTION 7. The fines provided for in this act may be enforced before a justice of the peace in all cases where the party complaining shall so elect, and in case of conviction before such justice of the peace the offender shall stand committed to the county jail until the fine and costs are fully paid, or until otherwise discharged by due course of law. Fines, how enforced.

SECTION 8. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1893.

No. 99, A.] [Published April 10, 1893.

CHAPTER 105.

AN ACT in relation to gas light companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May dispose of residual products, etc.

SECTION 1. All gas light companies in this state, whether organized under the general law, or created by special charter, which are now empowered to manufacture and sell inflammable gas for illuminating or for any other purpose, are hereby authorized, in addition to the business which they can now engage in and carry on, to manufacture and dispose of any and all residual products of their works, and to deal in the manufactured article.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 5, 1893.

No. 81, A.] [Published April 11, 1893.

CHAPTER 106.

AN ACT to secure the better preservation of game.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Closed season, what to be when adjoining states enact similar laws.

SECTION 1. It shall be unlawful to take, catch, kill or have in possesion when killed or taken, any Mongolian or Chinese pheasant, California quail, woodcock, quail, partridge, pheasant or ruffled grouse, prairie hen or prairie chicken, sharptailed grouse, or grouse of any variety, snipe or plover or wild duck of any variety, or wild goose or brant of any variety, or any aquatic fowl whatever, between the first day of

December and the succeeding first day of September; provided, however, that this section shall not be in force, except upon the proclamation of the governor of this state, who shall issue such proclamation when it shall appear to his satisfaction that the states of Iowa, Minnesota, Michigan and Illinois have enacted laws substantially in conformity with the provisions of this section; provided, further, that until such proclamation is made the following sections, A and B, shall be in force; provided, further, that it shall be unlawful to take, catch or kill any quail or bob white for the term of two years from and after the passage and publication of this act. Any person violating this provision shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars and costs of prosecution, nor more than fifty dollars, or stand committed to the county jail until such fine and costs are paid, not to exceed sixty days. Proclamation of governor.

A. It shall be unlawful to take, catch, kill, or have in possession when killed or taken any Mongolian or Chinese pheasant, California quail, woodcock, quail, partridge, pheasant or ruffled grouse, prairie hen or prairie chicken, sharp-tailed grouse or grouse of any other variety, mallard, teal or wood duck, snipe and plover, between the first day of December and the succeeding first day of September, and wild duck of any variety, or wild goose or brant of any variety, or any aquatic fowl whatever, between the first day of May and the succeeding first day of September. What now to be.

B. Any person who shall violate any provisions of subdivision A, of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than fifty dollars, and not exceeding seventy-five dollars, or by imprisonment in the county jail for not less than sixty days, and not exceeding three months, or by both such fine and imprisonment and costs of prosecution.

SECTION 2. It shall be unlawful to kill or take by any kind of contrivance or device whatever, or pursue with intent to kill or take or worry any deer, buck, doe or fawn between the first day of November and the succeeding first day of October of each year, or to hunt deer, buck, or Closed season, deer, etc.

doe or fawn with dog or dogs at any time, and it shall be lawful for any person to shoot or kill any dog, while such dog is in active pursuit of any deer, buck, doe or fawn, in violation of the provisions of this act. It shall be unlawful to use dog or dogs to hunt rabbits during the time the law permits the hunting of deer, and any complaints or objection made by the owner of such dog or any person against such killing shall be *prima facie* evidence that such complaining party encouraged such dog in such pursuit.

Exposure for sale during closed season.

SECTION 3. It shall be unlawful for any person or persons to sell or expose for sale, or have in possession for the purpose of exposing for sale, any kinds of game, birds, animals or venison protected by this act, after the expiration of eight days next succeeding the time limited and prescribed for the killing of any such birds or animals.

Transporting; proof.

SECTION 4. No person, firm, corporation or company shall expose for sale or have in possession, except alive, at any time, any deer or any part of the carcass of the same, with the intention of sending or transporting or having the same sent or transported beyond the limits of the state of Wisconsin. In determining the question of intent of any party charged under this section, any competent proof that the accused has within one year exported or caused to be exported or conveyed beyond the limits of this state any bird, animal or carcass, or part of said carcass, covered by this section, shall be received as *prima facie* evidence of the existence of such unlawful intent charged in the complaint or information.

Penalty.

SECTION 5. Any person or persons, firm, corporation, or company who shall purchase, sell, ship, or otherwise dispose of, or have in his, her or their possession for his or their own use, or for any other purpose, any of the birds or animals mentioned in this act (except alive) during the time that the killing thereof is hereby prohibited by this act, except during the first eight days of the closed season as to the animals mentioned in section 3, of this act, shall be deemed guilty of a misdemeanor, and shall upon conviction therof, be punished by a fine not less than ten dollars, nor more than one hundred dollars, and costs of prosecution, for each bird or animal

purchased, sold, shipped or otherwise disposed of, contrary to this act, and in default of the payment of such fine, shall be imprisoned in the county jail not less than ten days nor more than sixty days. The purchase, sale, or shipment, or the possession of any such birds or animals contrary to the provisions of this section, shall be *prima facie* evidence that such person purchased, sold, shipped, or disposed of such birds or animals unlawfully, and contrary to the provisions of this act.

Purchase, shipment, etc. to be prima facie evidence.

SECTION 6. Any express company, railway company, or common carrier, or any other company, corporation or person carrying on business in this state, or any servant or agent, or employe of such company, receiving or having in its, his or their possession, or which shall carry, ship or transport for compensation or otherwise, any animals mentioned in this act (except alive,) whether for transportation or otherwise, and killed within this state during the time that the killing of any such animal is prohibited by this act, except during the first eight days of such closed season or time, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty dollars, nor more than one hundred dollars, and costs of prosecution, for each bird or animal so received, possessed, held, carried or transported, and may be prosecuted before any justice of the peace, public magistrate, or district municipal court, in any county where such birds or animals are found so unlawfully possessed, transported or disposed of; possession of any such bird or animals by any such company, corporation, servant, agent or employe, shall be *prima facie* evidence that such bird or animal was killed, held or possessed contrary to the provisions of this act.

Common carriers, etc., when not to receive or transport.

Penalty.

Prosecution, where may be had.

SECTION 7. No person shall sell any game at any of the times or during any of the periods when the taking or the capturing of such game is prohibited by the provisions of this law, or any of the laws of this state, whether killed in Wisconsin or elsewhere. No keeper of a hotel, restaurant or boarding house shall serve to any of his guests any such game during any of the said periods when the taking of the same is prohibited by the laws of this state.

Hotels, etc., not to be supplied during closed season.

Power of game warden or officer to seize.

SECTION 8. Any game warden, or other officer of the law, may at any time seize and take into custody any game or any carcass thereof, or any portion of the same, which he may find at any time in possession of any person or corporation during the period when the capture of the same is not permitted by the laws of this state, and such officer shall offer the same for sale to the highest bidder, said purchaser to be excepted from the provisions of this act so far as the use of game purchased at such sale shall be concerned. Said officer shall retain one-half the proceeds of such sale as his fees, paying the balance into the hands of the state treasurer, who shall credit the same to the general fund of said state: provided, that this section and its provisions shall not apply to any heads or skins of animals which where taken, killed for captured during the season allowed therefor.

Fees.

Snares, traps, etc., not to be used.

SECTION 9. It shall be unlawful at any time to take, catch or kill, or attempt to take, catch or kill, any of the animals or birds mentioned in the first two sections of this act, by means of any snare, net, trap or spring-gun, or any similar contrivance, and it shall be unlawful for any person or persons to place, spread or set anywhere, or permit to be placed, spread or set, any net, trap or snare for the purpose of catching or taking any of the animals or birds mentioned in the first two sections of this act, and any game warden, deputy game warden, sheriff, coroner, constable or police officer, having reason to believe that any violation of the provisions of any section of this act has been or is about to be committed, may enter upon any land in search of evidence thereof, and shall seize, confiscate and remove any net, trap or snare which shall be found so placed, spread or set as to indicate the purpose of taking, catching or killing any of the animals or birds mentioned aforesaid, and take the same before any justice of the peace, police court or magistrate of the county, and if it shall be established on trial to the satisfaction of such magistrate that such net, trap or snare was so placed, spread or set with design to make use of the same for catching, taking or killing any of the animals or birds mentioned aforesaid, contrary to the provisions of this act, such magis-

trate shall enter as part of his judgment a finding to that effect, and shall order and cause such net, trap or snare or device to be destroyed by the game warden, or his deputy, or by the sheriff or any other official: and it shall be unlawful at any time to use in pursuit of any such animal or bird any pivot or swivel gun, or any other firearms not habitually held at arm's length and discharged at the shoulder.

Eggs not to be taken, etc.

SECTION 10. It shall be unlawful to take, destroy or have in possession, the eggs of any of the birds or water-fowl mentioned in this act, or to wantonly disturb or molest the nesting place of any such bird, or to kill, wound or take any wild pigeon within two miles of a pigeon roost. Any person violating the provisions of this section, shall on conviction thereof be fined not less than five dollars, nor more than ten dollars, together with costs of prosecution.

Sneak boat, etc., not to be used; blinds.

SECTION 11. It shall be unlawful to use in the pursuit of any duck, goose or brant, or any other aquatic bird any sneak boat or scull boat, or any boat impelled by scull-oars, sailboat, steamboat or floating raft, or box, or any similar device, and it shall also be unlawful to construct or use any blind in the open water outside of the natural growth of grasses or rushes then and there projecting above the water.

Closed season, otter, mink, etc.; beaver.

SECTION 12. It shall be unlawful to take, catch, kill or destroy or have in possession when so killed or taken, any otter, martin, mink or fisher, between the first day of May and the succeeding first day of October; and it shall be unlawful to take, catch, kill or destroy, or have in possession when so killed or taken any beaver, for a term of five years from and after the passage and publication of this act.

Private breeding grounds.

SECTION 13. It shall be unlawful to pursue, trap, ensnare or kill any otter, beaver, mink or muskrat or other fur-bearing animals on the lands of another person who is engaged in the business upon such lands of breeding or rearing any such animals. Any person violating sections 12 and 13, shall, upon conviction thereof, pay a fine of not less than five dollars, nor more than ten dollars, besides the costs of prosecution.

Night time.

SECTION 14. It shall be unlawful at any season to hunt, shoot, catch or pursue any of the

birds or animals mentioned in the first two sections of this act in the night time.

Grain, not to be entered without permission, etc.

SECTION 15. No person shall at any time enter into any growing or standing grain not his own with sporting implements about his person, or permit his dog or dogs to enter into any such growing or standing grain, without permission of the owner or occupant thereof; and no person shall at any time hunt or shoot upon any lands of another after being notified not to hunt thereon, and any person who shall, without the right to do so, hunt or shoot upon any land of another after having been notified not to hunt or shoot thereon, shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine of not less than ten dollars, nor more than fifty dollars, and costs of prosecution. In default of payment of such fine, he shall be imprisoned in the county jail not less than ten days, nor more than thirty days; but nothing in this contained shall be so construed as to limit or in any way affect the remedy of the owner or occupant of any such grain or inclosed or uninclosed land, or of the persons injured at common law for trespass. Any owner or proprietor of land may give the notice provided for in this section, by maintaining sign boards at least one foot square containing such notice upon at least every forty acres of the premises sought to be protected on or near the borders thereof, or upon or near the shores of any waters thereon, in at least two conspicuous places, or by giving personal, written or verbal notice.

Notice not to enter land, how given.

Harmless birds.

SECTION 16. No person shall catch, take or kill, or have in possession or under control for any purpose whatever, at any time, any whip-poor-will, night hawk, blue bird, finch, thrush, lark, linnet, wren, martin, swallow, bob-o-link, robin, turtle-dove, or any other harmless bird, except blackbirds and sparrows, except as hereinafter allowed. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than one dollar, and not more than five dollars, together with costs of prosecution, and shall be committed until both such fines and costs are paid.

Penalty.

SECTION 17. Any person, agent or corporation, who shall violate sections 1, 2, 3, 4, 7, 9, 11, 12,

14. of this act. shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than twenty-five dollars, and not exceeding one hundred dollars, or by imprisonment in the county jail not less than sixty days, and not exceeding ninety days, or by both such fine and imprisonment, and the costs of prosecution; two-thirds of all fines as herein provided for by this act shall go to the person informing of the offense, and one-third shall be paid into the state treasury and be credited to the general fund.

SECTION 18. All laws or parts of laws cnoflicting with tnis act, are hereby repealed

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.

No. 160 A.] [Published April 11, 1893.

CHAPTER 107.

AN ACT to authorize the Sylvan Grove Cemetery association, of the town of Fond du Lac, to remove the dead from its abandoned burying ground in said town to another cemetery, in the same county, and to authorize the sale of the grounds of said Sylvan Grove Cemetery.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The trustees of the Sylvan Grove Cemetery association, of the town of Fond du Lac, in the county of Fond du Lac, state of Wisconsin, are hereby authorized to remove the dead from their burying ground to such cemetery in the same county as they may determine. Dead may be removed.

SECTION 2. The trustees of said association are hereby authorized to sell and convey the grounds of the Sylvan Grove Cemetery, in the Land may be sold.

town of Fond du Lac, county of Fond du Lac, state of Wisconsin.

Proceeds, how disposed of.

SECTION 3. The trustees of said association are hereby authorized to pay the expenses of the removal of the dead mentioned in section 1, and the expenses of the sale and conveyance of said property out of the proceeds derived from the sale of said premises, and the balance, after paying expenses aforesaid, shall be paid to the shareholders of said association, after settling with the city of Fond du Lac for its interest in said cemetery grounds.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.

No. 41, A.] [Published April 11, 1893.

CHAPTER 108.

AN ACT to amend section 4944, of the Revised Statutes of 1878, and relating to insane convicts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 4944 R. S.

SECTION 1. Section 4944, of the Revised Statutes of 1878, of the state of Wisconsin, is hereby amended by inserting after the word "prison," in the third line thereof, the words "or of the inspector of the House of Correction of Milwaukee county;" and by inserting after the word "prison," in the eighth line thereof, the words "or the House of Correction of Milwaukee county;" and by inserting after the word "insane," in the ninth line thereof, the words "or Milwaukee hospital for the insane, if such person is imprisoned in the House of Correction of Milwaukee county;" and by inserting after the word "prison," occurring at the beginning of the eleventh line thereof, the words "or House of Correction of Milwaukee

county;" and by inserting after the word "prison," where it occurs near the end of the eleventh line thereof, the words "or the inspector of said House of Correction of Milwaukee county;" and by adding after the word "treasury." at the end of the section, the following words, to-wit: "Except that if such insane person be removed from the House of Correction of Milwaukee county to the Milwaukee hospital for the insane, then the expenses of such transfer shall be paid by Milwaukee county," so that said section, when so amended, shall read as follows:

Proceedings when convict becomes insane.

Section 4944. Whenever it shall appear to the satisfaction of the governor, by the representation of the warden and directors of the state prison, or of the inspector of the House of Correction of Milwaukee county, that any person confined therein, in pursuance of a sentence of any court within this state, has become insane during such imprisonment, and is still insane, it shall be lawful for the governor to make inquiry thereof, and if he shall determine that such person has become, and is so insane, to make an order that such insane person be taken from said prison or the House of Correction of Milwaukee county, and be confined and treated in one of the state hospitals for the insane or the Milwaukee hospital for the insane, if such person is imprisoned in the House of Correction of Milwaukee county, and upon his recovery from such insanity, if before the expiration of his sentence, that he be returned to said state prison, or House of Correction of Milwaukee county, and it shall be the duty of the warden of said prison, or of the inspector of said House of Correction of Milwaukee county, to deliver such insane person to the superintendent of such hospital, and such superintendent shall receive such person into such hospital, upon the presentation of such order and in obedience thereto; and the expenses of the same, when approved by the governor, shall be audited by the secretary of state and paid, upon his warrant, out of the state treasury, except that if such insane person be removed from the House of Correction of Milwaukee county to the Milwaukee hospital for the insane, then the expenses of such transfer shall be paid by Milwaukee county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.

No. 161, A.] [Published April 11, 1893.

CHAPTER 109.

AN ACT to amend section 9, chapter 452, of laws of 1889, relating to the office of dairy and food commissioner.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 9, ch. 452, laws of 1889.

SECTION 1. Section 9, of chapter 452, of the laws of 1889, is hereby amended by striking out the words "an annual," where they occur in the third line of the said section, and inserting in lieu thereof the words "a biennial;" also by striking out the word "annually," where it occurs in the tenth line of said section, and inserting in lieu thereof, the word "biennially;" so that the said section shall read as follows: Section 9. Said commissioner shall be furnished a suitable office in the capitol, at Madison, and shall make a biennial report to the governor, which shall contain an itemized account of all expenses incurred and fines collected, with such statistics and other information as he may regard of value and with the consent of the governor, not exceeding twenty thousand copies thereof, limited to three hundred pages, may be published biennially as other official reports are published, and of which five thousand copies shall be bound in cloth.

Biennial report to be made.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.

No. 296, A.] [Published April 12, 1893.

CHAPTER 110.

AN ACT to amend subdivision 17, of section 1038, of the Annotated Statutes, in relation to taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends subv. 17, of sec. 1038, of S. and B.'s Anno. Statu.

Property of fair associations, what to be exempt.

SECTION 1. Subdivision 17, of section 1038, of the Annotated Statutes of Wisconsin, is hereby amended so as to read as follows: 17. All property of any corporation or association formed under the laws of this state for the encouragement of industry by agricultural and industrial fairs, and exhibitions, which shall be necessary for fair grounds, while used exclusively for such fairs and exhibitions; provided, the quantity of land so exempt shall not exceed eighty acres; and provided further, that such corporations or associations may permit such fair grounds to be used for celebrations and as places of amusement.

SECTION 2. All acts or parts of acts contravening with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.

No. 379, A.] [Published April 12, 1893.

CHAPTER 111.

AN ACT to authorize M. C. Ring, his heirs or his assigns, to build and maintain a dam across Black river, in Clark county, state of Wisconsin, and repealing chapter 209, of the laws of Wisconsin for the year 1883, as amended by chapter 88, of the laws of 1885.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

M. C. Ring authorized to build dam.

SECTION 1. M. C. Ring, his heirs or his assigns, are hereby authorized to construct, maintain and keep a dam across the Black river, not to exceed ten feet in height, at any point between the point where O'Neill's creek empties into the said Black river, in the town of Pine Valley, county of Clark, state of Wisconsin, and the present limit of the railroad right-of-way across said Black river. Said dam to be erected and constructed for manufacturing and boomage purposes; provided, that said dam shall be provided and furnished with slides, chutes and fishways, so as to allow the free and unobstructed passage of fish and saw logs.

May erect piers, etc.

SECTION 2. In connection with said dam, the said M. C. Ring, his heirs and assigns, are further authorized and empowered to erect, build, keep up and maintain a system of piers and booms in and along and across said river, not distant from said dam more than six thousand feet; provided further, that no charge for tolls upon logs passing through said dam or booms shall be collected or received by the said M. C. Ring, or his heirs or assigns; and, provided further, that such piers and booms shall be so erected, operated and managed, as not to materially obstruct or retard the free passage of logs down said Black river.

Tolls not to be collected.

Repeals ch. 209, laws of 1883, as amended.

SECTION 3. Chapter 209, of the laws of Wisconsin for the year 1883, as amended by chapter 88, of laws of 1885, together with any and all laws and parts of laws conflicting with this act shall be and are hereby repealed.

SECTION 4. The right to alter, amend or repeal this act is hereby reserved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.

No. 643, A.] [Published April 12, 1893.

CHAPTER 112.

AN ACT to amend chapter 181, of the laws of 1889, as amended by chapter 61, of the laws of 1891, entitled "An act to create a municipal court for Douglas county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 61, of the laws of the state of Wisconsin, for the year 1891, entitled "An act to amend chapter 181, of the laws of 1889, entitled "An act to create a municipal court for Douglas county," is hereby amended so as to read as follows: Section 1. On the first Tuesday of April, 1893, and every four years thereafter, there shall be elected in Douglas county, in the same manner as county judges are elected, a municipal judge, who shall be a regularly admitted attorney of a court of record, and who shall hold his office for the term of four years from the first Monday in May after his election, and until his successor is elected and qualified. But no failure to give notice of said election to be held on the first Tuesday of April, 1893, shall in any manner invalidate the same, and in case of failure to elect said judge on said day, it shall be the duty of the governor to fix by proclamation a day for an election under this act. In case of vacancy in the office of municipal judge the vacancy shall be filled by appointment by the governor, and the appointee shall continue in office for the residue of the

Amends sec. 1, ch. 61, laws of 1891.

Municipal judge, election of.

term for which his predecessor was elected. Nomination papers may be filed for the year 1893 up to seven days before election.

Amends sec. 2, of same.

SECTION 2. Section 2, of said chapter 61, is hereby amended so as to read as follows: Section 2. The municipal court of Douglas county shall have jurisdiction in civil matters over such subjects as justices of the peace have jurisdiction, and where the amount claimed, over and above all set-offs, does not exceed three hundred dollars, and shall have exclusive jurisdiction to hear, try and determine all criminal actions arising in said county, not punishable in state's prison, and to have an exclusive jurisdiction to hold to bail all persons charged with other offenses against the laws of the state of Wisconsin, and of all penalties and offenses against the charter, ordinances and by-laws of the city of Superior, and shall have all the jurisdiction of the justices of the peace and police justice of said county. The practice and procedure in said court, so far as applicable, and not inconsistent with this act, shall comply with the laws relating to justice courts, and transcripts of its judgments may be with like effect filed with the clerks of the circuit court of said county. All appeals, civil and criminal, from said court may be had in the same way, and with like effect, as from courts of justices of the peace. The judge thereof shall have the same power to sentence and commit all persons convicted of offenses over which he has jurisdiction, to try and finally determine, that circuit judges or justices of the peace may have.

Municipal court, jurisdiction of.

Amends sec. 3, of same.

SECTION 3. Section 3, of said chapter 61, is hereby amended so as to read as follows: Section 3. Said judge shall file his oath of office and official bond in manner and form as provided for justices of the peace. The person designated and elected as municipal judge of said court shall have the control and direction of the commencement of all actions, and of the proceedings therein, and in the event of the disqualification or absence of said municipal judge the duties of said office shall be performed by a justice of the peace, who shall be thereunto designated by said municipal judge, in writing, and when performing such duties said justice of the peace shall receive the same compensation as is pre-

Municipal judge, oath; when justice may perform duties; salary, etc.

scribed by law for like services in justices' courts. In case the office of municipal judge shall become vacant, the duties of the office shall be performed by such person, as shall be thereunto designated by the common council of the city of Superior, until such time as such vacancy shall be filled. Said municipal judge shall receive as compensation a salary of twelve hundred dollars per annum, six hundred dollars to be paid monthly from the treasury of Douglas county, six hundred dollars to be paid monthly from the treasury of the city of Superior, and said twelve hundred dollars to be in full payment of all fees for cases arising out of said ordinances and the penal statutes of the state.

Amend sec. 4 of same.

SECTION 4. Section 4, of said chapter 61, is hereby amended so as to read as follows: Section 4. The said municipal judge shall keep separate dockets for civil and criminal matters respectively. They shall be kept in the same manner, as far as practicable, as dockets of justices of the peace are required to be kept; provided, however, that the said municipal judge may appoint and remove at pleasure a suitable person as clerk of said court, whose duty it shall be to keep said dockets, and make all entries therein, in the same manner as is required of justices of the peace, which person shall execute to Douglas county an official bond in the sum of two thousand five hundred dollars, and take an official oath, in the same manner as is required of clerks of the circuit court. Said person shall be known as the clerk of the municipal court, and shall receive an annual salary of six hundred dollars to be paid monthly, three hundred dollars each from the treasury of Douglas county, and the treasury of the city of Superior, at the end of each month, upon the delivery of a certificate, signed by said municipal judge, certifying that said clerk is entitled to such salary.

Docket, clerk, etc.

Amends sec of same.

SECTION 5. Section 5, of said chapter 61, is hereby amended so as to read as follows: Section 5. It shall be lawful for said municipal judge to charge and collect the same fees in criminal actions in said court as are allowed by law to justices of the peace. All fees, fines and penalties by him so collected shall be paid over at the end of each month to the treasurer of Douglas county, and all expense of boarding prison-

Fees.

ers, convicted under the ordinances of said city or under chapter 65a, of Sanborn and Berryman's Annotated Statutes, and sentenced to the county jail of said county, shall be paid by said city of Superior; provided, however, that all fees, fines and penalties by him collected under and by virtue of the charter, ordinances or by-laws of the city of Superior shall be paid over by him monthly to the treasurer of said city. In all civil actions commenced in said municipal court, the municipal judge shall be entitled to the same fees as a justice of the peace is entitled to.

Secs. 6, 7 and 8 of same combined and amended.

Court, how to be held.

SECTION 6. Sections 6, 7 and 8, of said chapter 61, are hereby combined and amended so as to read as follows: Section 6. Said municipal judge shall daily hold his court in some suitable room in the city hall in the city of Superior, to be provided, furnished, heated and lighted under the direction of said judge by the said city, without expense to Douglas county; but the said municipal judge shall have the power, in his discretion, to try any case, matter or proceeding in some suitable room in the court house of Douglas county, whenever he may deem it more convenient for himself, witnesses or parties. All needful stationery and blanks required by said court, and the dockets thereof, shall be furnished at the expense of Douglas county.

Secs. 9, 10 and 11 of same combined and amended.

Attorney fees.

SECTION 7. Sections 9, 10 and 11, of said chapter 61, are hereby combined and amended so as to read as follows: Section 7. The same fees shall be taxed and allowed as attorneys' fees in said municipal court, as is provided by subdivision 4, of section 3775, of the Revised Statutes of the State of Wisconsin, in all judgments entered in said municipal court, whether the defendant has appeared, answered or demurred therein or not. But no such fees shall be taxed or allowed, unless the party in favor of whom such judgment is entered shall have appeared therein by an attorney of a court of record.

SECTION 8. All laws which in any way conflict with this law are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 6, 1893.

No. 363, A.] [Published April 12, 1893.

CHAPTER 113.

AN ACT to declare a part of a certain avenue in the city of Milwaukee, a boulevard or pleasure-way, and to regulate the use of the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Grand avenue to be boulevard.

SECTION 1. Grand avenue, from Eleventh street west to the city limits or Western avenue, in the Fourth and Sixteenth wards of the city of Milwaukee, is hereby constituted and declared to be a boulevard or pleasure-way.

Carts, drays, etc., not to enter thereon; exception.

SECTION 2. No cart, dray, wagon, truck, sleigh or other vehicle carrying goods, merchandise, timber, stone, building material, wood, manure, dirt or other articles, or solely employed and used for carrying goods, merchandise, timber, stone, building material, wood, manure, dirt or other articles, either loaded or unloaded, shall pass or enter upon any part of said avenue, designated in section 1, as a boulevard or pleasure-way. Provided, that nothing in this act shall be construed to prohibit the ordinary use of any and all parts of said boulevard or pleasure-way for the purpose of obtaining orders for, and of carrying supplies or any other necessary thing to or from, any place or residence fronting on said avenue.

Cattle, swine, etc.

SECTION 3. No cattle, swine, sheep, goats, geese or fowls shall be allowed to run at large or be led or driven upon any part of said avenue, designated in section one, as a boulevard or pleasure-way.

Buildings not to be moved thereon; etc.

SECTION 4. No person shall move any building along, across or upon any part of said avenue, designated in section 1, as a boulevard or pleasure-way, nor use or occupy any portion thereof for the purpose of erecting or repairing any building, nor encumber or obstruct, or cause to be encumbered or obstructed, any part thereof, by placing therein or thereon any building material or any article, or anything whatsoever, nor dig down to expose, tear up, disconnect or connect with any of the sewers, water pipes or gas

pipes in or under any portion thereof, without having first obtained in each case the written permission of the board of public works of said city. The common council of said city shall have authority by ordinances or resolutions to regulate the conditions or terms, and prescribe the time under and for which such permits shall be granted, and also to regulate the amount of the fee to be paid upon application for a permit under this section.

Penalties.

SECTION 5. Any person or persons, who shall violate any of the provisions of this act, shall be subject to prosecution and trial before any court having jurisdiction thereof, and upon conviction shall be fined not less than ten dollars, nor more than one hundred dollars for each offense.

SECTION 6. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 7, 1893.

No. 328, S.] [Published April 10, 1893.

CHAPTER 114.

AN ACT to amend section 3, of chapter 178, of the laws of 1883, relating to incorporated villages or cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 3, ch. 178, laws of 1883.

Officers, terms of.

SECTION 1. Section 3, of chapter 178, of the laws of 1883, is hereby amended by adding thereto the following, to-wit: And in case of such change the term of office of all the officers of such village or city, except justices of the peace, shall expire upon the election, or appointment and qualification of their respective successors.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 234, S.] [Published April 14, 1893.

CHAPTER 115.

AN ACT relating to insurance corporations and amendatory of section 1951, of chapter 89, of the Revised Statutes of 1878.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1951, R. S., as amended.

SECTION 1. Section 1951, of chapter 89, of the Revised Statutes of 1878, as amended by chapter 204, of the laws of 1882, as amended by chapter 309, of the laws of 1887, is hereby amended so as to read as follows: Section 1951. Every such corporation organized under the laws of this state may invest its funds and accumulations in stocks or bonds of the United States or of this state, or of any county, incorporated city, town or village, or duly organized school district in this state, or in mortgages being first liens on real estate, worth at least twice the money loaned thereon, or in the first mortgage bonds of any railway company duly incorporated and organized under the authority of this state; and it may also make loans on the security of promissory notes, amply secured by pledge of any of the bonds in which such insurance corporations are hereby authorized to invest their funds; and every such insurance corporation may not only loan to its policy holders, sums not exceeding one-half the annual premiums on their policies, upon notes to be secured by the policy of the persons to whom the loans may be made, but may also make loans upon the security of its own policies, to an amount not exceeding ninety-five per cent. of the cash surrender value of each such policy at the time of making any loan;

Insurance corporations, organized under laws of this state, how may invest funds.

and such insurance corporation may invest its surplus funds in other states on like securities, and under the same restrictions as in this state. No life insurance corporation organized under the laws of this state shall issue policies insuring fire, marine, accident or live stock risks, or do any banking business.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 148, S.] [Published April 14, 1893.

CHAPTER 116.

AN ACT to authorize the building of a dock or pier in the waters of Green Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

F. A. Dennett, et al., authorized to build dams.

SECTION 1. F. A. Dennett, his heirs and assigns, are hereby authorized and empowered to build, construct and maintain a dock or pier extending into the waters of Green Bay, from section sixteen, in township thirty-two north, of range twenty-eight east.

SECTION 2. The legislature reserves the right to alter, amend or repeal this act at any time.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 139, S.] [Published April 14, 1893.

CHAPTER 117.

AN ACT to appropriate a sum of money to the Wisconsin State Horticultural Society.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Wisconsin State Horticultural Society.

SECTION 1. There is hereby appropriated the sum of fifteen hundred dollars out of the general fund, annually, to the Wisconsin State Horticultural Society, in lieu of all other appropriations to said society.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 237, S.] [Published April 14, 1893.

CHAPTER 118.

AN ACT to amend chapter 424, of the private and local laws of 1866, entitled "An act to aid in the development of the manufacturing interests of this state."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 424, private and local laws of 1866.

Dam at Kilbourn.

SECTION 1. Section 1, of chapter 424, of the private and local laws of 1866, is hereby amended so as to read as follows: Section 1. The successors or assigns of the Kilbourn Manufacturing company or the riparian owners, or their assigns, shall have power and they are hereby authorized to complete the water power on sections three, four, nine and ten, in township thirteen

north, of range six east, in the counties of Columbia and Sauk, by raising the dam a sufficient height for that purpose, in the Wisconsin river, not exceeding ten feet above usual low water mark.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 108, S.] [Published April 14, 1893.

CHAPTER 119.

AN ACT to repeal chapter 282, laws of Wisconsin for 1891.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeals ch. 282, laws of 1891.

SECTION 1. Chapter 282, of the laws of Wisconsin for 1891, entitled "An act to authorize the location and construction of railroads in tunnels, underways, and to authorize condemnation of right of way therefor," is hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 727, A.] [Published April 14, 1893.

CHAPTER 120.

AN ACT to authorize A. L. Smith, his associates and assigns, to construct and maintain a bridge across Fox river in the city of Appleton.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

A. L. Smith et al, authorized to build bridge.

SECTION 1. A. L. Smith, his associates and assigns, are hereby authorized to construct and maintain, for the use of himself, his associates and assigns, a bridge across Fox river, for use for street railway purposes, from Cherry street in the Third ward of the city of Appleton, to any point on the bluffs across said river in the Fourth ward of said city; such bridge to be built and constructed to the approval of the United States government engineer in charge of the Fox river improvement.

SECTION 2. This act shall take effect and be in force from and after its passage and publication, but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 8, 1893.

No. 726, A.] [Published April 14, 1893.

CHAPTER 121.

AN ACT to authorize A. L. Smith, his associates and assigns, to construct and maintain a bridge or viaduct across Fox river, in the city of Appleton.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A. L. Smith, his associates and assigns, are hereby authorized to build, construct

and maintain, for the use of himself, his associates and assigns, a bridge or viaduct across Fox river, for street railway purposes, from Appleton street in the Second ward of the city of Appleton, to any point on the bluffs across Fox river in the Fourth ward of said city; said bridge or viaduct to be built and constructed to the approval of the United States engineer in charge of the Fox river improvement.

SECTION 2. This act shall take effect and be in force from and after its passage and publication, but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 8, 1893.

No. 520, A.] [Published April 14, 1893.

CHAPTER 122.

AN ACT to authorize Frederick Manecke and his assigns to erect and maintain a dam across Hay Meadow creek, in Lincoln county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Frecerick Manecke, et al, authorized to build dam.

SECTION 1. Frederick Manecke and his assigns are hereby authorized to erect and maintain a dam across Hay Meadow creek, in Lincoln county, on the southeast quarter of the southwest quarter of section seven, in township thirty-two north, range eight east, for the purpose of creating a mill pond and water power; said dam not to exceed six feet in height, and to be provided with gates and suitable passages to permit posts, ties and other timber to be driven down said stream and through said dam. Said dam is not to be built to such a height that it will overflow the banks of said stream, or back up water on any lands not now owned by said Frederick Manecke, and during such times times as the water in said stream shall be very high, the gates of said dam shall be kept open.

SECTION 2. This act shall take effect and be in force from and after its passage and publication, but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 8, 1893.

No. 410, A.] [Published April 14, 1893.

CHAPTER 123.

AN ACT to authorize and empower Charles D. Stanhope, Charles R. Gether, and the North Lawndale company, to construct a pier, dock or wharf into Lake Michigan, in Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Charles D. Stanhope, et al, authorized to build pier, etc.

SECTION 1. Charles D. Stanhope, Charles R. Gether, and the North Lawndale company, a corporation organized and existing under the laws of the state of Wisconsin, their and its associates, executors, heirs, successors and assigns, are hereby authorized and empowered to build and maintain a pier, dock or wharf extending into Lake Michigan from or on the lands now owned by said Charles D. Stanhope, Charles R. Gether, and the North Lawndale company, or either of them, known and described as the south half of the northwest fractional quarter of section number twenty-eight, township number eight north, of range number twenty-two east, in the said county of Milwaukee, state of Wisconsin. Said pier, dock or wharf is to be used for the loading and unloading of vessels or other water craft, or for any other necessary and proper purposes, and is not to extend into said Lake Michigan for a distance of over one thousand feet.

SECTION 2. This act shall take effect and be in force from and after its passage and publication, but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 8, 1893.

No. 403, A.] [Published April 14, 18

CHAPTER 124.

AN ACT relating to fire insurance policies.

The people of the state of Wisconsin, represented senate and assembly, do enact as follows:

Certificate of loss, what, sufficient.

SECTION 1. Whenever any fire insura policy shall require the assured, in case of l or damage by fire, to furnish to the compan certificate or statement of a magistrate or not public, or whenever any fire insurance compa under any of the provisions of its policy, sh require the assured in case of loss or damage fire to furnish a certificate or statement of magistrate or notary public, it shall be a su cient compliance on the part of the assured to f nish a certificate or statement of any magistr or notary public residing in the county where fire occurs, who shall not be interested in claim or related to the assured.

SECTION 2. This act shall take effect and in force from and after its passage and publ tion.

Approved April 8, 1893.

No. 358, A.] [Published April 14, 1

CHAPTER 125.

AN ACT to amend chapter 215, laws of 1891 relation to regulating booming of logs at I Slough, and prescribing charges therefor.

The people of the state of Wisconsin, represented senate and assembly, do enact as follows:

Amends sec. 1, ch. 215, laws of 1891.

SECTION 1. Section 1, of chapter 215, law 1891, is hereby amended by striking out the wo "seventy-five cents," where they appear in

eleventh and nineteenth lines of said section, and inserting in lieu thereof the words "one dollar," and by striking out the words "thirty days," where they appear in the twentieth line of said section and inserting in place thereof the words "ten days;" so that said section, when so amended, shall read as follows: Section 1. It shall be the duty of all persons and corporations engaged in driving, brailing, rafting, booming and sluicing logs at Beef Slough, this state, to receive, brail, boom and raft logs for all persons desiring the same to be so received, brailed, boomed and rafted therein, and to deliver the same to the owner or person entitled thereto, securely and properly brailed, in a suitable and safe and at a practicable place in said slough, or in water adjacent thereto, at and for the rate of one dollar per thousand feet, which said sum shall be in full of all services in so driving, running, booming and brailing said logs at such safe and practicable place aforesaid. All of said logs shall be so received, sluiced, boomed, brailed and delivered to the owner or person entitled thereto at the place aforesaid, as speedily as the same is reasonably practicable, and the said price of one dollar per thousand feet aforesaid shall be payable within ten days after such logs shall have been so delivered at such place to the owner or person entitled thereto as aforesaid.

Fixing tolls for rafting, etc., logs at Beef Slough.

SECTION 2. All acts and parts of acts conflicting with or contravening the provisions hereof, are hereby repealed.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved April 8, 1893.

No. 337, A.] [Published April 14, 1893

CHAPTER 126.

AN ACT to amend section 1273, of the Revised Statutes of Wisconsin, as amended by chapter 236, of the laws of 1883, relating to highways and bridges.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1273, R. S., as amended.

SECTION 1. Section 1273, of the Revised Statutes of Wisconsin, as amended by chapter 236, of the laws of 1883, is hereby amended by adding thereto the following: Provided, however, that if by the creation of a new town, or the alteration of the boundaries of either or both of the towns bound to maintain said highway, the territory of either or both towns to such agreement shall be increased or diminished, then said order apportioning said highway shall be deemed vacated and new proceedings shall be had as provided by law, as if such order had never been made. And in case no order for the apportionment of said territory can be arranged, then upon the application of either party, after ten days' notice to the other party thereto, stating the time and place to the circuit judge of the county, for the appointment of three commissioners for the apportionment of said highway in the manner hereinbefore provided, said circuit judge may appoint said commissioners for the purpose aforesaid, and the determination of said commissioners made in writing and filed with the town clerks of each of said towns shall have the same force and effect as the order of said town boards in joint meeting herein provided for.

Apportionment of highway to towns: new towns, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 142, A.] [Published April 14, 1893.

CHAPTER 127.

AN ACT to amend section 1291, chapter 52, of Sanborn and Berryman's Annotated Statutes, entitled "Of highways and bridges."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1291, S. & B.'s Anno. Stats.

SECTION 1. Section 1291, chapter 52, Sanborn and Berryman's Annotated Statutes, is hereby amended, by striking out the words "two hundred and fifty dollars or more," where they appear in the eleventh line of said section 1291, and inserting in lieu thereof the words "more than one-fifth of one per cent. on the taxable property of the town, as shown by the last annual assessment;" so that said section 1291, when amended, shall read as follows: Section 1291 (as amended by chapter 289, 1885). All damages lawfully awarded to any person, for laying out, widening or altering any highway, shall be a charge against the town, or in case of a highway on the line between two towns, or between a town and a city or village, against such town, city or village, as shall be assigned to pay the same, in the manner hereinbefore provided, at any time after the highway shall have been opened by order of the supervisors, and not before, and shall then be audited and paid, or sued for and collected in the same manner as other debts of the town; but when the total amount of damages chargeable to one town, consequent upon any one order, for laying out, widening or altering a highway, shall be more than one-fifth of one per cent. on the taxable property of the town, as shown by the last annual assessment, such highway shall not be opened, widened or altered, nor liability for damages exist, unless such order be approved, and such highway accepted, by a majority of the qualified electors of the town, liable to such damages, voting thereon, at the next annual town meeting, or some special town meeting sooner called therefor. And no

Damages awarded on laying out highways to a charge against town; how collected.

When vote of town before damages paid.

liability for such damages shall exist for any highway discontinued in the manner hereinbefore provided, before being opened. All costs and fees directed to be paid by any town, city or village, by this chapter, shall be audited and paid, or may be sued for and collected, as other debts against such town, city or village. When any town order or orders shall be given pursuant to this section, and there shall be no unappropriated money in the town treasury, sufficient to pay the same, the town board shall certify the total amount thereof to the towr clerk, who shall place the same on the next tax roll, with interest thereon, from the date of such order, in the same manner as a tax to pay a judgment, and the same shall be in like manner collected and paid to the parties entitled thereto, with such interest.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 114, A.] [Published April 14, 1893.

CHAPTER 128.

AN ACT authorizing the building of a dock or pier in Sturgeon Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Wm. O. Brown Manufacturing Co. et al., authorized to build dock.

SECTION 1. The Wm. O. Brown Manufacturing company, its successors and assigns, are hereby authorized and empowered to build and maintain a dock or pier extending into the waters of Sturgeon Bay, from block number Seventeen in the city of Sturgeon Bay.

SECTION 2. This act shall take effect and be in force from and after its passage and publication, but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 8, 1893.

No. 109, A.] Approved April 14, 1893.

CHAPTER 129.

AN ACT authorizing William Sommers and his associates to construct and maintain a dam across Pecor brook.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. William Sommers, his associates and assigns, are hereby authorized to construct and maintain a dam across Pecor brook, on the northeast quarter of the northeast quarter of section eighteen, town twenty-nine, range seventeen east, in Oconto county, for hydraulic and manufacturing purposes, and for the purpose of facilitating the driving of logs and timber down said stream; provided, that said dam shall not interfere with the rights of any person heretofore acquired. Wm. Sommers et al. authorized to build dam.

SECTION 2. This act shall take effect and be in force from and after its passage and publication, but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 8, 1893.

No. 72, A.] [Published April 14, 1893.

CHAPTER 130.

AN ACT to protect fish in the waters of the Wolf river; the Fox river from the mouth of the Wolf river to the dam at De Pere, Brown county; Lakes Winnebago, Poygan, Winneconne and Butte des Morts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. No person or persons shall be allowed to set, place or use any gill, fyke, pound, Gill, etc., nets or snares not to be used.

seine, dip or other net or snare in the Wolf river, the Fox river from the mouth of the Wolf river to the dams at Neenah and Menasha, and lakes Winnebago, Poygan, Winneconne, and Butte des Morts, between the first day of February and the first day of August of each and every year; provided, however, that nothing in this act shall prevent or prohibit in any manner the catching of fish by means of hook and line at any time of the year, except that black bass shall not be taken in any manner between the first day of January and the first day of June in each year.

Black bass, closed season.

Violations.

SECTION 2. Justices of the peace shall have full power to try and punish all violations of any of the provisions of this act.

Shiners, chub, etc., how may be caught.

SECTION 3. This act shall not be construed to prevent the catching of shiners, chub, dace, suckers or stickleback for bait, by means of dip nets or minnow lines.

What nets may be used.

SECTION 4. No kind of nets except a gill net with meshes not smaller than three and one-half inches, stretch measure, for catching fish, and a dip net for catching bait, shall be set, used or placed in the waters of Lake Winnebago, and no net except a gill, a hoop or a dip net shall be used, set or placed in the waters of the Wolf and Fox rivers, as described in section 1, of this act or in lakes Winneconne, Butte des Morts and Poygan; and no nets shall be set in the waters of the lower Fox river from the dams at Neenah and Menasha to the dam at De Pere, Brown county.

Nets, where may not be used.

SECTION 5. No net of any kind shall be set used or placed across the mouth of any channel stream or river tributary to the waters described in section 1, of this act.

Fish offal, not to be thrown overboard.

SECTION 6. It shall hereafter be unlawful for any person or persons to throw overboard from any row, sail or steamboat or other craft, or throw into any waters mentioned in the title of this act, or any bays thereof, or streams emptying therein, any fish offal. Fish offal shall be construed to mean the cleanings of fish, such as heads, intestines, blood, and fish taken from nets. Any fisherman coming to the shore with fish in his boat dressed and having no offal in his boat shall be deemed *prima facie* guilty of a violation of this section.

SECTION 7. Any fish or game warden, or deputy warden, or other person, is hereby authorized to destroy any net, seine, trap, snare, or other device, which is being illegally used in the waters described in this act. Nets, seines, etc., may be destroyed.

SECTION 8. Any person violating any provision of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not less than twenty-five dollars and cost of prosecution, or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment; and on a second and subsequent conviction for a similar offense shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, and cost of prosecution, or by imprisonment in the county jail not less than ninety days, nor more than six months, or by both such fine and imprisonment. One-half of said fine shall be paid to the complainant, and the remainder to the state treasurer, who will credit the same to the general fund. Penalties.

SECTION 9. All other acts heretofore passed in reference to fishing in the waters above set forth and the territory described, are hereby repealed.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 64, A.] [Published April 14, 1893.

CHAPTER 131.

AN ACT to amend section 2464, Revised Statutes, as amended by chapter 85, laws of 1891, relating to county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Amend section 2464, Revised Statutes, as it is amended by chapter 85, laws of 1891, Amends sec. 2464, R. S., as amended.

by inserting before "Waukesha," in the second line, the word "Columbia," also by inserting in line nine of said amended section, after the word "counties," the words "in the county of Columbia, at the city of Columbus," so that said section, when amended, shall read as follows: Section 2464. The county judges of the counties of Columbia, Waukesha, Pepin, Dodge and Green Lake, may keep their offices, and hold special terms of the county court, at any time between the times of holding the regular terms, and transact any business which might be done at any regular term, or which may be continued from any regular term to such special term, at the following places in their respective counties: In the county of Columbia, at the city of Columbus; in the county of Waukesha, at the city of Oconomowoc; in the county of Pepin, at the village of Pepin; in the county of Dodge, at Beaver Dam and the city of Mayville; in the county of Green Lake, at Princeton and Berlin. And all orders, judgments, decrees and business which shall be made or done at such special terms and places, or as shall have been heretofore so made or done, are declared valid.

When certain county judges may hold special terms of court.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 10, A.] [Published April 14, 1893.

CHAPTER 132.

AN ACT relating to highways and bridges, and amendatory of chapter 285, of the laws of 1887, entitled "An act to amend chapter 345, of the laws of 1885, entitled "An act to amend sections 1320 and 1321, of the Revised Statutes of 1878, relative to highways and bridges.' "

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 345, laws of 1885, as amended.

SECTION 1. Section 1, of chapter 345, of the laws of 1885, as amended by chapter 285, of the laws of 1887, is hereby amended by inserting in said section after the word "building," where it occurs in said section, the word "purchasing," so that when said section is amended, it will read as follows: Section 1. Any county, town, city or village, bordering upon or through which any navigable or meandered stream runs, and any city or incorporated village, situate within five miles of the Wisconsin river, is authorized to levy and collect a tax, in the same manner that other taxes are levied and collected, not exceeding five mills on the dollar of the last assessed valuation of the taxable property thereof, for the purpose of building, purchasing or maintaining, or aiding in the building, purchasing or maintaining a bridge across such stream, or to issue their corporate bonds for such purpose for an amount not exceeding two *per centum* on such valuation; and any two adjoining towns having a highway on the line between them crossing such navigable or meandered stream, are authorized to levy and collect a tax in the manner above provided for the purpose of building, purchasing or maintaining or aiding in the building, purchasing or maintaining a bridge across such stream, or to issue their corporate bonds as above provided; but if a tax shall have been levied for such purpose in any such county, town or towns, city or village, their bonds for such purpose shall not be issued for an amount exceeding the difference between such tax and two *per centum* of such assessed valuation.

Counties, etc., may levy tax and issue bonds to build bridges, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 71, S.] [Published April 14, 1893.

CHAPTER 133.

AN ACT to provide for the appointment of a commission to locate positions of Wisconsin troops at Chickamauga, etc.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commission, of whom composed, governor to appoint.

SECTION 1. That the governor of this state be and he is hereby authorized to appoint a commission of three gentlemen, each of whom participated in the battle of Chickamauga or Chattanooga, who shall serve without pay, and whose duty it shall be to co-operate with the national commission in ascertaining and marking the positions occupied in these battles by each regiment, battery and independent organization from this state which were engaged there; and for this purpose they shall avail themselves of the knowledge and assistance of representatives of such regiments, batteries and other organizations.

Appropriation.

SECTION 2. For the purpose of meeting the traveling and other necessary expenses of this commission, the sum of seven hundred dollars is hereby appropriated, which sum shall be paid upon the presentation of proper vouchers, or so much of said sum as may be necessary.

SECTION 3. Said commission shall report in writing to the governor as soon as their labors have been completed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 79, S.] [Published April 14, 1893.

CHAPTER 134.

AN ACT in relation to proceedings in attachment and garnishment, and declaratory of the meaning of chapter 249, of the laws of 1883.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Secs. 2 and 4, ch. 249, laws of 1883, applied to justices' courts

SECTION 1. It is hereby declared to be the true intent and meaning of chapter 249, of the laws passed in the year 1883, that sections 2 and 4, of said act, shall apply to proceedings in justices' courts as well as courts of record.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 118, S.] [Published April 14, 1893.

CHAPTER 135.

AN ACT to regulate the times of holding general terms of court in the Seventh judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court in Seventh judicial circuit.

SECTION 1. From and after the first day of July, 1893, the general terms of circuit court for the several counties, comprising the Seventh judicial circuit, shall be held commencing as follows: For the county of Portage, on the fourth Monday in March and the third Monday in November; for the county of Waupaca, the first Monday in March and the fourth Monday in October; for the county of Waushara, the last Tuesday in April and the third Tuesday in September; for the county of Wood, the second Monday in May and the first Monday in October.

Every general term of such court in any county of said circuit, shall be a special term for all the other counties thereof.

SECTION 2. All acts and parts of acts, that conflict with any of the provisions of this act, are hereby repealed so far as they so conflict.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 188, S.] [Published April 14, 1893.

CHAPTER 136.

AN ACT to authorize W. E. Moses, his associates, heirs and assigns, to maintain a dam across Moose river, in Sawyer county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

W. E. Moses et al., authorized to build dam.

SECTION 1. W. E. Moses, his associates, heirs and assigns, are hereby authorized to maintain a dam across Moose river in Sawyer county, Wisconsin, on land now owned or which may hereafter be acquired by purchase or lease by said W. E. Moses, his associates, heirs or assigns, on the northwest quarter of section number fourteen, in township forty-one north, of range five west.

Slides to be maintained.

SECTION 2. The said W. E. Moses, his associates, heirs and assigns, shall provide suitable slides in said dam for running logs and timber over the same, and shall keep the same in repair; and whenever the said W. E. Moses, his associates and assigns, shall, with the aid of the improvements heretofore made by him thereon, have so improved said dam so that logs and timber can be floated over the same with reasonable certainty, the said W. E. Moses, his associates and assigns, in consideration of such improve-

ments and the facilities thereby obtained, shall be and hereby is and are authorized to charge and shall be entitled to collect and receive of any and all persons owning or controlling logs and timber, or either thereof, in said Moose river, ten cents per thousand feet, board measure, for all logs and timber floated over said dam. Tolls may be charged.

SECTION 3. For all such charges for toll or otherwise, on account of such improvements, said W. E. Moses, his associates and assigns, may and shall have and the same shall be a lien upon all such logs and timber floated down said stream and over said dam, and such liens, whether for tolls or otherwise, may be enforced the same as other liens for labor and services on logs or timber pursuant to chapter 139, of the laws of Wisconsin for the year 1891, and all acts amendatory thereof or supplemental thereto. Tolls to be liens.

SECTION 4. This act shall take effect and be in force on and after its passage and publication, but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 8, 1893.

No. 198, S.] [Published April 14, 1893.

CHAPTER 137.

AN ACT fixing the terms of the circuit court in the county of La Crosse, in the Sixth judicial circuit. and amendatory of chapter 2, of the laws of 1893.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of chapter 2, of the laws of 1893, entlited "An act to change the boundaries of the Sixth and Ninth judicial circuits, and to fix the times for holding the terms of court for the several counties in each of said judicial circuits," is hereby amended by striking out the words "second Monday in May," where Amends sec. 2, ch. 2, laws of 1893.

they occur after the word "La Crosse," and inserting the words "the third Monday in May;" so that said section, when amended, shall read as follows: Section 2. The terms of the circuit court for the several counties of the Sixth judicial circuit shall be as follows: For the county of Trempealeau, the first Monday in March, and the first Monday in September. For the county of Vernon, the second Monday in June and the second Monday in December. For the county of Monroe, the second Monday in April and the second Monday in October. For the county of La Crosse, the third Monday in May and the second Monday in November. For the county of Juneau, the third Monday in March and the third Monday in September. Every general term of said court in each of said counties, shall be a pecial term for the whole judicial circuit.

Terms of court in Sixth judicial circuit.

SECTION 2. This act shall take effect and be in force from and after its passage.

Approved April 8, 1893.

No. 268, S.] [Published April 14, 1893.

CHAPTER 138.

AN ACT to authorize Jos. Desert, Louis Desert, and H. M. Thompson, their heirs, associates and assigns, to build and maintain a dam across the Wisconsin river in township twenty-seven north, of range seven east, in Marathon county, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Joseph Desert, Louis Desert, and H. M. Thompson, their heirs, associates and assigns, are hereby authorized to build and to maintain a dam across the Wisconsin river, on any lands that they may own or control in township twenty-seven north, of range seven east, in Marathon county, Wisconsin. Such dam may be used

Joseph Desert, et al., may build dam.

for driving, booming, storing or rafting of logs, and the water power thereby created for hydraulic and manufacturing purposes.

SECTION 2. Said dam shall be so constructed and maintained as not to impede or prevent the running, driving and rafting of logs, timber or lumber down said stream. Construction.

SECTION 3. In order to build and maintain said dam, and use the same, and for all the purposes herein specified, the said persons above named, their heirs, associates and assigns, shall have the right to take, overflow and use any lands not now owned or controlled by them, and they may acquire title to any lands, or the right to flow and use the same for the purposes herein specified, by and through proceedings of condemnation under the power of eminent domain, as provided and set forth in section 1777, of the Revised Statutes of Wisconsin, for the year 1878, and the acts amendatory thereof. The provisions of said section, and the acts amendatory thereof, are hereby made applicable to said dam, and to the acquisition of the title or the right to use any lands for the purpose of building, maintaining and using said dam in accordance with this act. This act shall apply to and govern any dam owned or controlled by said persons, or any of them, that may be already constructed in said town and range across said river, the construction of such dam being hereby legalized. May overflow lands. Sec. 1777, R. S. to apply.

SECTION 4. The right is reserved to the state, to repeal or amend this act at any time.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 8, 1893.

No. 22, A.] [Published April 14, 1893.

CHAPTER 139.

AN ACT authorizing the building of a dock or pier in Sturgeon Bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

C. M. Whiteside, et al., authorized to build dock.

SECTION 1. C. M. Whiteside, L. C. Thorkildson, and A. Shaw, co-partners as Whiteside, Thorkildson and Shaw, their heirs and assigns, are hereby authorized and empowered to build and maintain a dock or pier extending into the waters of Sturgeon Bay, from lot two, subdivision seventy-six, in the city of Sturgeon Bay.

SECTION 2. This act shall take effect and be in force from and after its passage and publication, but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 8, 1893.

No. 17, S.] [Published April 14, 1893.

CHAPTER 140.

AN ACT to amend chapter 433, of the laws of 1891, and to appropriate a sum of money therein named to the "State Board of World's Fair Managers."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to the State Board o World's Fair Managers.

SECTION 1. There is hereby appropriated to the State Board of World's Fair Managers for carrying out the provisions and purposes expressed in chapter 433, of the laws of 1891, the sum of one hundred thousand dollars, to be paid out by the state treasurer to the treasurer of

said board in the manner provided by section 9, of said chapter 433, and to be used by them in making, completing, installing and maintaining the exhibits, and for the purposes hereinafter named. That is to say: For the agricultural exhibit the sum of thirty-two thousand one hundred and forty-four dollars. For the mines and mining exhibit the sum of eighteen thousand four hundred and fifty dollars. For the fisheries exhibit, the sum of thirteen thousand nine hundred and sixty-seven dollars. For the forestry and timber exhibit the sum of eleven thousand dollars. For the educational exhibit the sum of three thousand seven hundred and thirty-eight dollars. For the floricultural exhibit the sum of five hundred dollars. For finishing the Wisconsin building, the sum of ten thousand dollars. For maintenance and management of the building during the fair, the sum of seven thousand dollars. For miscellaneous expenditures the sum of three thousand two hundred and one dollars. Said board of Worlds' Fair commissioners shall use only so much of said sums, as above appropriated, as may be necessary in each particular case; and if there shall be any surplus after paying the cost of any particular exhibit, said board of World's Fair commissioners are hereby authorized, subject to the approval of the governor, to use the same in making up any deficiency in the appropriation for any other exhibit or purpose, should there be any such. The said commissioners are not authorized to incur any debt or obligation which cannot be fully discharged by the appropriations heretofore and hereby made. Any unexpended balance which may remain after defraying the expenses of said exhibition shall be by said commissioners turned into the state treasury. The provisions of section 8, of chapter 433, of the laws of Wisconsin for the year 1891, providing for the sale of the structures, furniture and other acquired materials and property is hereby made applicable to the appropriation made under this act, and such material and property shall be offered at public sale and sold to the highest and best bidder therefor.

For what purposes to be used.

Sec. 8, ch. 433, laws of 1891, to apply.

SECTION 2. The treasurer of said board shall, before he shall be entitled to receive the moneys

Treasurer to give bond.

by this act appropriated for the purposes for which said board is created, execute and deliver to the governor, to be by him approved and filed in the office of the secretary of state, a bond to the state of Wisconsin in the sum of double the amount of the appropriation herein named, with at least two sureties, who shall together justify their responsibility to the amount of said bond in property within this state over and above all debts and exemptions, and conditioned for the faithful and proper performance of his duties, and the faithful accounting to the state of Wisconsin for all moneys which shall come to his hands.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1893.

No. 215, S.] [Published April 13, 1893.

CHAPTER 141.

AN ACT to amend section 4096, of the Revised Statutes, relating to evidence.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 4096, R. S.

SECTION 1. Section 4096, of the Revised Statutes, is hereby amended by striking out the words "upon commission," where they occur therein, so that said section 4096, when amended, shall read as follows: Section 4096. No action to obtain a discovery under oath, in aid of the prosecution or defense of another action, shall be allowed; but the examination of a party, or in case a corporation be a party, the examination of the president, secretary or other principal officer or general managing agent of such corporation, otherwise than as a witness on a trial, may be taken by deposition at the instance of the adverse party, in any action or proceeding,

Action for discovery abolished; how adverse party may be examined.

at any time after the commencement thereof, and before judgment. Such deposition shall be taken before a judge at chambers on a previous notice to such party, and any other adverse party, or their respective attorneys, of at least five days; or it may be taken without the state in the manner provided for taking other depositions. The attendance of the party to be examined may be compelled upon subpoena, and the payment or tender of his fees as a witness, and such examination shall be subject to the same rules as that of any other witness, but he shall not be compelled to disclose anything not relevant to the controversy. If such examination shall be taken before issue joined, the notice of taking the same shall be accompanied by an affidavit of the party, his agent or attorney, stating the general nature and object of the action, that discovery is sought to enable the party to plead, and the points upon which such disovery is desired, and such examination shall be limited to the discovery of the facts relevant to the points so stated, unless the court or the presiding judge thereof, on motion and one day's notice shall, before the examination is begun, by order further limit the subjects to which such examination shall extend, but such examination shall not preclude the right to another examination after issue joined upon all the issues in the cause, and the party examining shall, in all cases, be allowed to examine upon oral interrogatories. Such examination shall not be compelled in any other county than that in which the party to be examined resides; provided, that whenever plaintiff or defendant is a non-resident of this state his deposition may be had under the provisions of this section in the county in which the action is pending, if he can be persoanlly served with notice and subpoena in such county. In any examination under the provisions of this section, the judge or commissioner before whom the same is had, shall have power and authority to compel the party examined to answer all questions relevant to the issues involved, and also to compel the production by the party examined of books and papers relevant and pertinent to the issues, and may enforce such answers and the production of such books and papers by contempt proceedings.

Attendance, how compelled.

Scope of examination.

SECTION 2. This act shall take effect from and after its passage and publication, but shall not apply to or effect any action heretofore begun and now pending in any court in the state of Wisconsin.

Approved April 11, 1893.

No. 135, S.] [Published May 1, 1893.

CHAPTER 142.

AN ACT to provide for the payment of the expenses of the Dane County Drainage Commission, and to repeal chapter 383, of the laws of 1889, and the acts amendatory thereof.

PREAMBLE.

WHEREAS, Commissioners appointed under chapter 383, of the laws of 1889, did decide that the public health and welfare would be promoted by the consummation and completion of the system of drainage mentioned in said act, and said commissioners did incur expenses and liabilities to a considerable amount in proceedings taken under said act, and by an order made November 25, 1891, defined the limits of the drainage district, and referred to certain lands described in the special assessment tax list made by said commissioners, and in which the said order is written, and

WHEREAS, It has been found that the said system of drainage as provided for by said act of 1889, is expensive and burdensome, and ought not to be prosecuted further, and it appearing that the said expenses and liabilities, or some of them, have been necessarily incurred in the making of surveys, explorations, the taking of necessary levels, and in the procuring of maps, profiles and plans, by means whereof it has been ascertained that the said drainage scheme is expensive and burdensome and ought not to be further prosecuted, and

WHEREAS, Such expenses and liabilities were incurred in the attempt to improve the public health and promote the general welfare of the people of the drainage district in which the lands to be drained lie, and because thereof an obligation rests upon the people of such district to pay and meet the same; now therefore,

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Expenses; how to be paid; proceedure.

SECTION 1. The amount of such expenses and liabilities shall be determined as follows: All persons having any claim or claims arising in proceedings under said chapter 383, of the laws of 1889, of every kind whatsoever, including claims of holders of bonds issued by said commissioners, the claims of said commissioners for personal services and expenses, claims of clerks, laborers, servants, and attorneys for such commissioners, and all claims of persons whomsoever, of every kind, may present such claims in the form of a statement of debt or account to the county clerk of said Dane county, within three months from the publication of this act; and said clerk shall file the same in his office. All claims not so presented within said time, shall be void. This act shall not be taken as a recognition of the legality or validity of any of said claims, but the same shall be passed upon as follows: The validity of said claims shall be deemed to be denied by the tax payers affected thereby, and thereupon the circuit judge of the Sixth circuit of this state shall fix a convenient time for a hearing upon said claims, at the Dane county courthouse, notice of which hearing shall be published in a daily newspaper printed at Madison, in said county of Dane, for ten successive days next prior thereto, and he shall thereupon proceed to take proof of said claims, and decide upon and determine the validity of the same, and the amount thereof, and such determination of said judge shall be final and conclusive. To the aggregate amount of such claims so to be allowed, there shall be added the necessary and reasonable costs of the proceedings authorized by this act, and the whole amount of said claims and costs shall be certified by said judge to said

commissioners, and they shall thereupon proceed as provided in section 2, of this act.

Tax, how to be levied, etc.

SECTION 2. The said commissioners are hereby authorized, if they shall so decide, to cause the levy of a uniform tax upon all the real property within the limits of the district so defined, in the order of said commissioners made November 25, 1891, and described in a book called the "Drainage Special Assessment Tax List," and upon the personal property of the owners of said real property, taxable within the limits so defined. For that purpose they may return to the town and city clerks of the towns and cities in which the district lies, the proportional amount which such property in each such town or city ought to bear. In order to obtain the respective amounts properly chargeable to such property in each taxing district, they shall ascertain from the last assessment rolls of the towns and cities in which the district lies, the whole assessed valuation of all real and personal property subject to taxation within said defined limits, and shall ascertain from said rolls the valuation of such taxable property within said defined limits, in each town and city, respectively. They shall certify to the respective town and city clerks of such towns and cities, the proportion of the whole amount in this act authorized to be paid, which such valuation of such property in each such town or city, respectively, bears to the whole assessed valuation of taxable property within said defined limits, together with a description of the real property in each such town or city within said limits. The said town and city clerks shall thereupon proceed to carry out and extend the sums so certified to them, respectively, against such real and personal property, as provided in section 1079, of the Revised Statutes, upon a uniform scale, but only against the property in towns or cities, respectively, which is situated within said defined limits. The said taxes, so extended, shall be collected in the same manner, and like proceedings shall be had as upon the collection, return, sale of lands and redemption in the case of general taxes, and the town and city treasurers shall pay over the same to the county treasurer as county taxes are paid over, and the said county treasurer shall there-

upon pay out the same to the parties entitled thereto under the order of the said circuit judge, made upon the allowance of such claims as hereinbefore provided, and the county treasurer shall take receipts therefor from such claimants and file the same in his office.

Repeal.

SECTION 3. The provisions of chapter 383, of the laws of 1889, entitled "An act to amend chapter 525, of the laws of 1887, entitled 'An act to amend chapter 442, of the laws of 1885,' entitled, "An act to provide for the drainage and reclamation of certain lands in Dane county, ' " so far only as may be necessary to carry out the provisions of section 2, of this act, and no further, are hereby continued in force. Except as aforesaid chapter 383, of the laws of 1889, and the act amendatory thereof, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

T. J. CUNNINGHAM,
Secretary of State

April 12th, 1893.

No. 255, A.] [Published April 15, 1893.

CHAPTER 143.

AN ACT to amend chapter 253, of the laws of Wisconsin for the year 1887, entitled "An act to amend chapter 247, of the laws of 1882, entitled 'An act to authorize Edward D. Brown, Theodore W. Anderson, Anderson W. Brown, and Webster E. Brown, their heirs and assigns, to build and maintain a dam, piers and booms in and across Wisconsin river, in Lincoln county.' "

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends ch. 253, laws of 1887, dam on Wisconsin river, Lincoln county.

SECTION 1. Chapter 253, of the laws of 1887, is hereby amended so as to read as follows: Section 1. Section 1, of chapter 247, of the laws of 1882, is hereby amended so as to read as follows: Section 1. Edward D. Brown, Thomas W. Anderson, Anderson W. Brown, and Webster E. Brown, their heirs and assigns, are hereby authorized and empowered to build, erect, keep up and maintain a dam not less than twelve feet in height, to be used for manufacturing, booming and flooding purposes, across the Wisconsin river, in section six, township thirty-six north, of range nine east, in Oneida county, and shall have the power to overflow all such lands as may be necessary for such purposes, and the said parties, their heirs and assigns, shall have power to acquire title to all such lands, by proceedings for condemnation, in the same manner as provided and set forth in section 1777, of the Revised Statutes, as amended by chapter 318, of the laws of 1882, which provisions are hereby made applicable for the purpose of acquiring said lands. Said dam shall be furnished with suitable slides or chutes, which shall be placed in the main channel of the river, and shall be so located and constructed as to allow logs passing over the same to freely pass down the river, away from said slides and chutes, and the same shall be kept open at all times when there are logs or timber to run over said dam.

SECTION 2. Section 2, of chapter 247, of the laws of 1882, is amended so as to read as follows: Section 2. Said parties, their heirs and assigns, are hereby authorized to build, erect, keep up and maintain, in connection with said dam, a system of piers and booms, in, along and across said river, in section six, and from the present dam, to the north line of towsnhip thirty-seven north, of range eight east, in and opposite lands owned or acquired by them, for the purpose of assorting, dividing, booming, holding and handling and delivering logs, timber and lumber, passing into said pond, hereby authorized to be created; provided, said piers and booms shall be so constructed and maintained as to leave a sufficient channel for the free passage of logs, timber and lumber through said pond. And all logs and timber destined to points on said river below said dam, shall be taken by the owner or owners of said dam, when they reach the flowage thereof, or the rear of any log jam which may be caused by the stopping of logs at the upper dividing works of said booms, but not further up said river than the north line of township thirty-seven north of range eight east, and shall be driven by said owners free of charge, and with reasonable despatch, through the pond and the flowage created by said dam, and over the same; suitable gates of the same height as the dam above low water mark, shall be placed in said dam, for the purpose of flooding said river below, the same to facilitate the running of logs down said river, and said gates shall be opened whenever necessary for that purpose; but the height of the water in the pond created by said dam shall not for that purpose be reduced more than two feet, below the top of said dam. On or before the first day of March in each year, and in the year 1887, within ten days after the taking effect of this act, the owners of said dam shall select one person, and the governor of the state of Wisconsin shall select another, and the two so selected shall, within ten days after receiving notice of such selection, select a third, or in case of any failure to so select as aforesaid, the governor on application of any person or corporation interested, and upon previous notice in writing of ten days, to said owners, may fill the places of the

Amends sec. 2, ch. 247, laws of 1882.

May build piers, booms, etc.

Logs to be driven through flowage without charge.

persons not yet selected, by the appointment of disinterested persons for that purpose, and the three so selected or appointed, or a majority of them in case of any dispute or disagreement as to the time or times of opening or closing said gates, shall decide and determine when and how long said gates shall be opened or closed for flooding purposes, and for that purpose may take and shall have full control of said dam: provided, said gates shall not be opened, or remain open for flooding purposes, when the height of the water in said pond shall be at or below a point two feet below the top of said dam. The persons so selected or appointed shall continue to act as such umpires for one year from the first of March of the year in which they are appointed. The owner of said dam shall not be entitled to compensation for the use of said dam, or the waters of such pond for flooding purposes, in the manner above provided. The provisions of this bill relating to driving of logs and timber through the flowage of and over the dam hereby authorized, and to the use of the water and dam for flooding purposes, shall be applicable to and govern the owners of the dam now being kept and maintained on said section six, and said dam shall hereafter be kept up and maintained only under the provisions and restrictions of this act. The legislature may at any time amend, alter or repeal this act.

SECTION 3. Any and all acts or parts of acts conflicting or inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 172, S.] [Published April 15, 1893.

CHAPTER 144.

AN ACT to amend section 1444, of the Revised Statutes, relating to cemeteries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1444, R. S.

SECTION 1. Section 1444, of the Revised Statutes, is hereby amended so as to read as follows:

Election of trustees.

Section 1444. The annual election for trustees to supply the place of those whose term of office expires, shall be held on the day mentioned in such certificate, at such place as the trustees shall direct, within the same county. The trustees chosen at any election after the first, shall be proprietors of lots in such cemetery, and shall hold their offices for three years, and until their successors shall be chosen. Such election shall be by ballot, and every person who shall be the owner of one or more lots in the cemetery of the association shall be entitled to one vote; and if there be more than one owner of any one lot, then such one of such owners as the majority of the joint owners shall designate shall cast the vote, and a plurality shall elect. But no person shall hereafter be elected to hold the office of such trustee, unless he is a resident of this state. Public notice of the annual election shall be given in such manner as the by-laws of the association shall prescribe.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 161, S.] [Published April 15, 1893.

CHAPTER 145.

AN ACT relating to the destruction of noxious weeds, and amendatory of chapter 432, of the laws of 1889.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1 of ch. 313, laws of 1887, as amended.

SECTION 1. Section 1, of chapter 313, of the laws of 1887, as amended by chapter 432, of the laws of 1889, is hereby amended by inserting after the words "sour dock and yellow dock *(rumex crispus)*," in said section, the words "mustard *(sinapis arvensis)*, wild parsnip *(thapsium barbinode)*, and sweet clover *(mellilotus alba*, or *mellilotus vulgaris)*;" so that said section, when so amended, shall read as follows: Section 1.

Noxious weeds to be destroyed.

Every person and corporation shall destroy, upon all lands which he or they shall own, occupy or control, all weeds known as Canada thistle *(circium arvense)*, burdock *(lappa officinalis)*, white or ox-eye daisy *(leucanthemum vulgare)*, snap dragon or toad flax *(linaria vulgaris,)* cockle burr *(zanthium strumarium,)* sow thistle *(sonchus arvensis)*, sour dock and yellow dock *(rumex crispus)*, mustard *(sinapis arvensis)*, wild parsnip *(thapsium barbinode)*, and sweet clover *(mellilotus alba* or *mellilotus vulgaris)*, at such time and in such manner as shall effectually prevent them from bearing seed. In like manner shall he or they destroy any of the above mentioned weeds standing or growing as far as the center of the highways, lanes or alleys, adjoining the lands owned or controlled by him or them.

Amends sec. 5 of same.

SECTION 2. Section 5, of said chapter 313, of the laws of 1887, as amended by chapter 432, of the laws of 1889, is hereby amended so as to read as follows: Section 5.

Duties of commissioner; compensation.

The commissioner shall carefully inquire concerning the existence of noxious weeds in his township or precinct, and in case any person, persons or corporation owning, occupying or controlling any lands therein, shall neglect to destroy any Canada thistle, burdock, snap dragon, white or ox-eye daisy, cockle burr, sow thistle, sour dock, yel-

low dock, mustard, wild parsnip, or sweet clover, standing or growing on any lands owned or controlled by him or them, or upon any highway, lane or alley adjoining such lands as far as the center of such highway, lane or alley, it shall be the duty of the commissioner to destroy, or cause to be destroyed, all such weeds. He shall spend as many days at such work of destruction as the chairman of the town board, president of the village, or mayor of the city may deem necessary and for each day so spent shall receive the sum of two dollars upon presentation of his account therefor, verified by his oath, and specifying by separate items the amount against each piece of land, describing the same; and the several amounts shall be placed in the next tax roll in a separate column headed, "For destruction of weeds," as a tax upon the lands upon which such weeds were destroyed, and be collected as other taxes.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 530, A.] [Published April 15, 1893.

CHAPTER 146.

AN ACT to provide for the payment into the county treasury of the fines received by justices of the peace and other magistrates.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Justice, etc. to enter fines on docket.

SECTION 1. It is hereby made the duty of every justice of the peace, police justice, municipal judge or other magistrate, who receives any fine or fines authorized to be received by section 4772, of the Revised Statutes, to enter the amount so received, with the date when received, upon the docket or other record required by law to be kept by him.

Docket to be inspected.

SECTION 2. The chairman of every town, the supervisor of each ward in every city, and the supervisor of every village, shall personally inspect the docket of every justice, police justice, municipal judge, or other magistrate, receiving fines under section 4772, of the Revised Statutes, whose office is located within the town, ward or village represented by such chairman or supervisor, on or before the first day of November of each year, and ascertain therefrom the amount of such fines received by said justices, police justices, municipal judges, or other magistrates during the preceding year ending October 31. It is

Report.

further provided that said chairman or supervisors shall make a separate report in writing for each such officer to the county board, which report shall be verified by his affidavit and shall embrace the title of each case in which any such fine was received, the date of conviction and the amount of fine received during the year covered by said report.

Examination of accounts.

SECTION 3. The county board of every county, at its annual meeting, shall compare the reports, required of its members by this chapter, with the written reports made by justices, police justices, municipal judges and other magistrates to county treasurers, in pursuance of section 4772, of the Revised Statutes.

Justice, etc. may be prosecuted.

SECTION 4. The district attorney of each county shall, by direction of the county board thereof, prosecute any justice, police justice, municipal judge, or other magistrate, who shall fail to comply with the requirements of section 4772, of the Revised Statutes, or shall neglect or refuse to make the entries in his docket or other records, as provided in this chapter, or who shall neglect or refuse to submit his docket or other record for inspection, as herein provided.

Penalty.

SECTION 5. Every justice of the peace, police justice, municipal judge, or other magistrate, who shall violate any of the provisions of this chapter, shall be subject to a fine not to exceed fifty dollars for each offense.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 528, A.] [Published April 15, 1893.

CHAPTER 147.

AN ACT defining the name in which actions may be brought to collect the two *per centum* and forfeitures mentioned in section 1926, Revised Statutes, as amended.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Name in which action may be brought.

SECTION 1. Actions to collect the two *per centum* and forfeits mentioned in section 1926, Revised Statutes, as amended, may be brought in the name of the town, city or village in which the fire department therein mentioned is located.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 454, A.] [Published April 15, 1893

CHAPTER 148.

AN ACT to require the publication of applications to village boards and city councils for private or corporate franchises.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Application for franchise to be published.

SECTION 1. The provisions of the Revised Statutes of the state of Wisconsin, relating to powers of village boards of incorporated villages, and as to powers of common councils of cities in the state of Wisconsin, in relation to granting franchises, are hereby limited and defined by the following provision: No franchise shall be granted by any village board of any

village, or by any common council of any city in the state of Wisconsin, to any person or persons or corporation whatsoever, without first having published such franchise, at the expense of the party applying for the same, in the official newspaper of such city or village, for not less than two weeks previous to taking action thereon by such village board or common council, in order that the people whose interests are at stake may have an opportunity to be heard if they so desire.

SECTION 2. This act shall be construed to be an amendment of every city charter and of every village charter, whether incorporated under the special or general laws of the state of Wisconsin, wherein a similar provision does not already exist, but not otherwise.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 330, A.] [Published April 15, 1893.

CHAPTER 149.

AN ACT to make diplomas granted by universities, normal schools, and colleges, licenses to teach in certain schools before being countersigned by the state superintendent.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Holder of certain diploma may teach one year.

SECTION 1. Any diplomas granted by the board of regents of normal schools to persons who complete the kindergarten training course, established by said board in any of the state normal schools, shall be regarded as certificates legally qualifying the holders thereof to teach for one year in any kindergarten forming a part of the public school system of the state.

SECTION 2. When any person has, after receiving the diploma referred to in section 1, of this act, taught in a public kindergarten in this state one year, the state superintendent may, after such examination as to moral character, learning and ability to teach, as to him may seem proper, countersign the diploma of such teacher, and thereafter such countersigned diploma shall legally qualify the holder thereof to teach without further examination, in any public kindergarten in the state, or until the same shall be annulled. State superintendent may countersign.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 57, A.] [Published April 15, 1893.

CHAPTER 150.

AN ACT to create the county of Vilas, and to change the boundaries of the county of Iron and attach territory thereto.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that portion of the county of Oneida, Wisconsin, included within the following boundaries, to-wit: Commencing at the southeast corner of township number forty, of range number ten east, in the said county of Oneida, thence north on the range line between ranges number ten and eleven to the boundary line between the states of Wisconsin and Michigan, thence northwesterly on said boundary line to a point where the range line between ranges four and five intersects said boundary line, thence south on the range line between ranges four and five to the southwest corner of town forty-one north, range five east, thence west on the town line between towns forty and forty-one north, to the north- Territory embraced.

west corner of town forty north, range four east, thence south on the range line between ranges three and four east to the southwest corner of township number forty north, of range four east, thence east on the township line between townships thirty-nine and forty, to the northwest corner of township thirty-nine north, of range six east, thence south on the range line between ranges five and six, to the southwest corner of township number thirty-nine north, of range six east, thence east on the township line between townships number thirty-eight and thirty-nine, to the southeast corner of township number thirty-nine north, of range seven east, thence north on the range line, between ranges seven and eight east to the north-west corner of township number thirty-nine north, of range eight east, thence east on the township line between townships thirty-nine and forty, to the place of beginning, is hereby detached from the county of Oneida, and shall hereafter constitute the county of Vilas, under the provisions hereinafter contained. All that portion of the present county of Oneida included in towns forty-one, forty-two, forty-three and forty-four north, of range four east, is hereby detached from said county of Oneida, and attached to and made a part of the county of Iron, and shall be a part of the town of Vaughn, in said county of Iron. Townships number thirty-nine, of ranges four and five east, are hereby attached to and made a part of the town of Hazlehurst, in Oneida county. The townships number thirty-nine of ranges eight, nine and ten east, are hereby attached to and made a part of the town of Pelican, in Oneida county.

SECTION 2. The county of Vilas, with the boundaries prescribed in the foregoing section, is hereby created with all the rights and privileges by law granted to and conferred upon other counties in this state. The county seat of said county of Vilas, until otherwise determined according to law, is hereby located at, and the same shall be the village of Eagle River, in township forty north, of range number ten east. Said county of Vilas is attached to and made a part of the Fifteenth judicial circuit. There shall be held in said county of Vilas two terms of the circuit court in each year; and, until otherwise

County seat.

Terms of court, notice.

provided by law, such terms of court shall be held at such times as the circuit judge thereof shall designate. Said circuit judge shall immediately after the passage and publication of this act give public notice of the times of holding such terms of court by causing notice thereof to be published in some newspaper in said county of Vilas for at least six weeks prior to the three weeks immediately preceding the holding of the first term of said court.

County officers, governor to appoint.

SECTION 3. Within twenty days after this act shall take effect, the governor of this state shall appoint in and for the county of Vilas the following officers, to-wit: A county judge, district attorney, clerk of the circuit court, county clerk, sheriff, register of deeds, county treasurer, county surveyor, superintendent of schools, and coroner, who shall, within twenty days after due notice of their appointments, respectively, qualify and enter upon the duties of their offices, and hold the same until the first Monday of January next succeeding the first general election thereafter, and until their successors are elected and qualified, except that the county judge shall hold his office until the first Monday of January, A. D. 1898.

Salaries.

SECTION 4. It shall be the duty of the board of supervisors of the county of Vilas within twenty days after the appointment of the officers of said county by the governor, to meet and fix the respective salaries and the amount of bonds required to be given by each of said officers, except in case where the amount of such bond is now fixed by law.

Towns.

SECTION 5. The county of Vilas shall, until otherwise ordered by the board of supervisors of said county, consist of two towns, to be known respectively as the towns of Eagle River and Minocqua. The boundaries of said towns shall remain as at present created, except that the boundaries are hereby changed so as to make the same conform to the provisions of section 1, of this act.

Board of supervisors meet.

SECTION 6. The board of supervisors of said county of Vilas shall, within twenty days after the passage of this act, meet and transact all business necessary to perfect and complete the organization of the county, and determine upon and make suitable provisions for and places for

holding the circuit court at the time appointed therefor.

Liabilities and rights of several counties.

SECTION 7. Said counties of Vilas, Iron and Oneida shall be the exclusive owners of all real property within the boundaries of each of said counties. The said counties of Vilas and Iron shall be liable for their just share of the liabilities and indebtedness now existing against said county of Oneida, and entitled to their just proportion of the assets and resources of said county of Oneida, to be ascertained by dividing the total liabilities and total assets and resources of said county of Oneida, by the ratio which the aggregate valuation of said county of Oneida, as fixed by the assessors and boards of review of the several towns and cities of said county of Oneida, of all of the real and personal property therein for the year 1892 bears to the valuation of the county of Vilas and the county of Oneida, and of the towns hereby attached to the county of Iron, respectively, by such assessors and boards of all the real and personal property situated within the boundaries of said counties. The governor of the state of Wisconsin shall, within ninety days from the passage of this act, select three competent persons, non-residents of either of the three counties affected by this act, to constitute a commission to make a settlement between said counties of Oneida and Vilas, and said counties of Oneida and Iron, and between the several towns of said counties, on the basis provided in this act. Each of said commissioners shall receive ten dollars per day for services, actually and necessarily rendered as such commissioners. The counties of Iron, Oneida and Vilas shall each pay its proportionate part of the compensation of said commissioners, according to the assessed valuation of the property in said Vilas and Oneida counties, and of the four towns attached to said Iron county, as fixed by said assessors and boards of review for the year 1892. Such commissioners shall make a full and complete statement provided for by this act on or before September 1st, 1893, and all tax certificates upon lands in said county of Vilas, and the towns hereby attached to Iron county, respectively, including those which may be obtained upon the tax sale of 1893, shall, on or before said first day of September, 1893, be assigned

Commissioners, governor to appoint; compensation, duties.

and delivered to the treasurers of said Vilas and Iron counties, respectively. The amount of such tax certificates so delivered to said Vilas and Iron counties shall be charged to said counties, respectively, in the said settlement and the amount of the tax certificates upon lands in Oneida county shall be in like manner charged in said settlement to said Oneida county. The said commission shall respectively ascertain and determine the proportion which the respective counties shall bear of any indebtedness which may be due from said Oneida county to the state of Wisconsin for loans made to said county, and shall make duplicate certified statements thereof, one of which statements shall be filed by them with the secretary of state, and one in the office of the county clerk for each of said counties, and the secretary of state shall thereafter and pursuant to section 6, of chapter 167, of the laws of 1881, furnish to the county clerks of said counties of Vilas, Iron and Oneida statements of the amounts of such indebtedness due from and apportioned to each, and the amount, if any, so apportioned to said Vilas and Iron counties, respectively, by said commission, shall be collected and paid by said Vilas and Iron counties, respectively, in the same manner as if the loan had been made to said counties of Vilas and Iron, respectively.

Taxes; sale of lands therefor, etc.

SECTION 8. This act shall in no wise invalidate or affect the collection of taxes assessed thereon for the year 1892, in the said county of Oneida, and the treasurer of said Oneida county shall proceed with the collection of such delinquent taxes and the sale of such lands in said respective counties for the non-payment of taxes thereon in the same manner and with the same effect as now provided by law, and such sale shall be legal; and the delinquent taxes collected before the tax sale of 1893 upon such of said lands as may be situated within said counties of Vilas and Iron, respectively, and the proceeds of all tax certificates of the tax sale of 1893, upon said lands situated within the counties of Vilas and Iron, respectively, bid in at the sale, shall be paid over to the treasurers of Vilas and Iron counties, respectively, by the treasurer of Oneida county, on or before the first day of June, 1893, and the proceeds of all certificates of the sale of

1893, assigned by the county treasurer of Oneida county, within the counties of Vilas and Iron, respectively, on or before September 1st, 1893, and shall be charged to said Vilas and Iron counties, respectively.

Transcripts of record, etc. to be procured.

SECTION 9. The board of supervisors of the counties of Vilas and Iron shall have power to procure from the register of deeds, county clerk, county treasurer, county judge and clerk of the circuit court of said county of Oneida, at the expense of the said counties of Vilas and Iron, respectively, transcripts, duly certified by the proper officers, of all papers, proceedings, records and books on file or of record in said offices and of the records of any county inspection of lands heretofore had in said county of Oneida, together with all other records in any manner affecting or relating to the title or right of possession of any of the lands situated in said counties of Vilas and Iron, respectively, and such transcripts or certified copies thereof shall be *prima facie* evidence in all courts of the facts therein contained. The lien of all judgments or other papers which shall effect lands in said counties of Vilas and Iron shall continue in force the same as though this act had not taken effect.

Apportionment.

SECTION 10. The said county of Vilas shall constitute a part of the Thirtieth senatorial district, and with the counties of Oneida, Price and Taylor, shall constitute an assembly district, and shall also be a part of the Ninth congressional district, until the same shall be otherwise apportioned as provided by law.

Tax deeds, recitals, etc.

SECTION 11. The counties of Vilas and Iron, respectively, by their proper officers, are hereby authorized to execute tax deeds upon the certificates assigned as provided in this act in the name of the counties of Vilas and Iron, respectively, and the state of Wisconsin, which deed shall be substantially in the form now prescribed for tax deeds. But in addition to the recitals now provided for, deeds which may be executed by said counties of Vilas and Iron, respectively, shall contain a recital of the fact that the certificates were assigned by said Oneida county, and the validity of all tax deeds executed as above provided shall not be held void on account of having been executed in either of said counties. It is further provided that all redemption of taxes or

Redemption of tax certificates.

tax certificates assigned and delivered to the counties of Vilas or Iron under the provisions of this act, shall be made in the county where the property upon which such certificate was issued is situated; and the publication of the notice of redemption of all certificates assigned to said Vilas and Iron counties, respectively, shall be made in said counties of Vilas and Iron, respectively, from and after the time such assignment shall have been made.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 18 A.] [Published April 15, 1893.

CHAPTER 151.

AN ACT providing for the non-payment of taxes on wide-tired wagons.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Wagon with three inch tire exempt.

SECTION 1. Any wagon with tire three inches wide, and upwards, owned and used by a farmer in his vocation as such, shall be exempt from taxation from and after the first day of January, 1894.

SECTION 2. It shall be the duty of the assessors throughout the state to return the number of said wagons as they shall find, but place no value on the same.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 163, S.] [Published April 15, 1893.

CHAPTER 152.

AN ACT to appropriate the sums of money therein named, to the reformatory, charitable and penal institutions of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriations to state institutions.

SECTION 1. There is hereby appropriated out of any money in the general fund not otherwise appropriated, to the institutions below named, the following sums of money, for the purposes specified, to-wit: To the Wisconsin State Hospital for the Insane, for current expenses, including painting and necessary repairs to January 1, 1895, one hundred and twenty-seven thousand dollars; for a new pumping station, including pump, pipe, hydrants and valves, eight thousand dollars; for iron fire escapes, two thousand and five hundred dollars. To the Northern Hospital for the insane, for current expenses, including painting and necessary repairs, to January 1, 1895, one hundred and fifty-five thousand dollars; for a roof, section of the north wing, two thousand dollars, for repairs to sewer, one thousand and five hundred dollars. To the Wisconsin School for the Deaf, for current expenses, including painting and necessary repairs, to March 1, 1895, eighty-one thousand dollars; for water supply for fire protection, four thousand dollars. To the Wisconsin School for the Blind, for current expenses, including painting and necessary repairs, to March 1, 1895, sixty thousand dollars; for the payment of liabilities on account of current expenses contracted prior to March 1, 1893, three thousand and five hundred and twenty and fourteen one-hundreths dollars; for a new heating system, nine thousand dollars; for finishing interior of shop, two thousand and five hundred dollars; for water supply for fire protection, six thousand dollars. To the Wisconsin Industrial School for Boys, for current expenses, including painting and necessary repairs, to January 1, 1895, ninety-two thousand dollars; for a stone school house and furnishings, including

steam heat, eighteen thousand dollars. To the Wisconsin State Prison, for current expenses, including painting and necessary repairs, to March 1, 1895, thirty thousand dollars; for a warden's residence, five thousand dollars; for additional cell room and repairs to main building, ten thousand dollars; for a kitchen and hospital, five thousand dollars. To the State Public School, for current expenses, including painting and necessary repairs, to March 1, 1895, one hundred and nine thousand dollars; for the payment of liabilities on account of fire loss incurred prior to March 1, 1893, six thousand five hundred and three and thirteen one-hundredths dollars.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 374, A.] [Published April 15, 1893.

CHAPTER 153.

AN ACT to authorize the cities of Marinette, in the state of Wisconsin, and of Menominee, in the state of Michigan, jointly, or the counties of Marinette, in the state of Wisconsin, and of Menominee, in the state of Michigan, jointly, to build a bridge across the Menominee river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Authorized to build bridge.

SECTION 1. The cities of Marinette, in the state of Wisconsin, and of Menominee, in the state of Michigan, jointly, or the county of Marinette, in the state of Wisconsin, and the county of Menominee, in the state of Michigan, jointly, at their own expense, or by the aid of private subscription, are hereby authorized and empowered to build a foot and wagon bridge across the Menominee river, between the said cities of Marinette and Menominee, at or near the site of the

present foot bridge as now located above and near the lower dam on said river.

Highways to be opened.

SECTION 2. That previous to the building of said bridge, highways leading thereto shall be laid out and opened, so that access thereto may be had from the main traveled streets, in said several cities; and authority or permission to build such bridge from the owner or owners of the land to which said bridge shall be attached, and over which the same shall pass, shall be obtained.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 350, A.] [Published April 15, 1893.

CHAPTER 154.

AN ACT to authorize Thomas Christy, his heirs and assigns, to maintain a dam across Little Rice river, in the county of Oneida.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Thomas Christy et al. authorized to build dam.

SECTION 1. Thomas Christy, his heirs and assigns, are hereby authorized and empowered to maintain a flooding dam across Little Rice river, in Oneida county, on the west half of the northeast quarter of section twenty-three, in township number thirty-six north, range number five east, for the purpose of facilitating the driving of logs on said river; said dam to be of sufficient height and dimensions for the purpose which the same is to be used for, and to be so constructed as to allow the free passage of logs, timber and lumber over it, without hindrance and delay: provided, said Thomas Christy, his heirs and assigns, shall be subject to all the provisions of chapter 70, of the Annotated Statutes of Wis-

consin, and all acts amendatory thereof, so far as the same may be applicable.

SECTION 2. In consideration of the maintenance of said dam and the advantages to be derived therefrom in the driving of logs on said river, said Thomas Christy, his heirs and assigns, shall be and are hereby authorized to charge, collect and receive of any and all persons and corporations owning or controlling the same, ten cents per thousand feet board measure on all logs and timber passing over said dam. Tolls may be charged.

SECTION 3. Said Thomas Christy, his heirs and assigns, for said toll shall have a lien on said logs and timber for the amount that they shall be entitled to receive, till the same is fully paid, which lien may be enforced in the same manner that liens for labor on logs are now enforced in said Oneida county. Tolls to be lien.

SECTION 4. This act shall take effect and be in force from and after its passage and publication, but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 12, 1893.

No. 75. A.] [Published April 18, 1893.

CHAPTER 155.

AN ACT to amend section 1402, of chapter 55, of the Revised Statutes of 1878, relating to fences.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1402, of chapter 55, of the Revised Statutes of 1878, is hereby amended so as to read as follows, to-wit: Section 1402. Each fence viewer shall, for services rendered by him, in accordance with the provisons of this chapter, be entitled to the following fees, to-wit: One dollar per day for the time he shall be so necessarily employed; for each mile actually and nec- Amends sec. 1402 R. S. Fees of fence viewers.

essarily traveled going and returning to perform any service required by this chapter, four cents, and twenty five cents for serving any notice or other process, upon each person named therein; twelve cents per folio for all writing required by law to be done in the premises. Said fees shall be paid by the parties to the controversy, equally, and if such parties shall neglect to pay the same within thirty days after the services shall have been performed, each fence viewer having performed any such service may recover from such parties double the amount of such fees. Any fence viewer who shall, when requested, unreasonably neglect to perform any duty required of him in this chapter, shall forfeit five dollars, and shall also be liable to the party injured for all damages consequent upon such neglect. In the performance of any duty required under this chapter, said fence viewers are hereby authorized to administer oaths.

How paid.

Penalty for neglect of duty.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 206, A.] [Published April 18, 1893.

CHAPTER 156.

AN ACT to authorize the state superintendent to countersign diplomas and state certificates granted in other states, and to make diplomas of state institutions licenses to teach for a definite period.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Holder of diploma not contingent, may teach without examination for limited period.

SECTION 1. Any diploma, which by law the state superintendent is authorized to countersign, and which, when so countersigned, has the force and effect of an unlimited state certificate to teach in the common schools of the state, shall

constitute a legal license to teach in any public school in the state without further examination, for such period from the date of issuance of said diploma, as, by existing laws, the holder thereof is required to teach before said diploma may be countersigned by the state superintendent.

Certificate from elementary course of normal schools

SECTION 2. A certificate from the elementary course of the normal schools shall constitute a legal license to teach for one year in any common school without further examination; provided, that a limited state certificate and a certificate from the elementary course of the normal schools shall not qualify the holder as principal of a free high school having a four years' course of study.

When state superintendent may countersign diploma not granted by state university.

SECTION 3. After any person has graduated at any incorporated college or university, whose courses of study are fully and fairly equivalent to the corresponding courses of study in the state university, and after such graduation has successfully taught a public school for sixteen school months, the state superintendent shall have authority to countersign the diploma of such teacher, after such examination as to moral character, learning and ability to teach, as to said superintendent may seem proper and reasonable, and after having ascertained that the course of study from which such person has graduated, is fully and fairly equal to the corresponding course in the state university.

Holder of countersigned diploma may teach any public school.

SECTION 4. Any person holding a diploma granted by any such aforesaid college or university, certifying that the person holding the same is a graduate of such college or university, shall, after his diploma has been countersigned by the state superintendent, as aforesaid, be deemed qualified to teach any of the public schools of the state, and such diploma shall be a certificate of such qualification, until annulled by the state superintendent.

Teachers' certificates from other states may be countersigned.

SECTION 5. Teachers' certificates, granted by other states, which are fully and fairly equivalent to the Wisconsin unlimited certificate, may be countersigned by the state superintendent. The holder of such certificate shall furnish to the state superintendent such evidence of good moral character, experience and success in teaching as is required for the unlimited state certificate.

When countersigned, such certificates shall have the force and effect of the unlimited state certificate.

SECTION 6. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after the thirtieth day of June, 1893.

Approved April 12, 1893.

No. 348, A.] [Published April 18, 1893.

CHAPTER 157.

AN ACT to authorize the commissioners of public lands of the state of Wisconsin, to loan a portion of the trust funds of the state to the Evergreen City Guard Armory Company of Sheboygan.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners may loan to Evergreen City Guard Armory Company from trust funds.

SECTION 1. The commissioners of the public lands, with the approval of the governor of the state of Wisconsin, are hereby authorized and directed to loan of the trust funds of this state the sum of fifteen thousand dollars, or such sum as the commissioners of public lands may approve of, not to exceed fifteen thousand dollars, to the Evergreen City Guard Armory Company of Sheboygan, Wisconsin, and of the Wisconsin National Guard; and the Evergreen City Guard Armory Company is hereby authorized to borrow, not to exceed a sum of fifteen thousand dollars, of said commissioners and to issue to said commissioners bonds for the debt so contracted. Such indebtedness shall bear interest at the rate as may be agreed upon by said commissioners, and said interest shall be paid annually, and the principal so loaned shall be paid in sums of not less than five hundred dollars annually, after the

expiration of one year from the date of the issuing of said bonds, and all of such bonds shall mature and be fully paid within twenty years from the date of their issuance.

Bonds to be secured.

SECTION 2. Said bonds shall be secured by a first mortgage upon the real estate of said company with the usual provisions therein for insurance of the buildings and improvements thereon for the benefit of the mortgagee, to be approved as to the form and execution thereof by the attorney general, which mortgage is hereby declared valid for the purpose of said security.

Existing indebtedness to be paid; armory to be built.

SECTION 3. Said sum so loaned shall be wholly applied for the payment of existing indebtedness thereon, and for the erection of an arsenal and armory upon the real estate now held by said company, and said loans shall be advanced upon said bonds so secured, the first amount thereof to be so issued to be sufficient to pay the existing indebtedness now upon the real estate owned by said company, and the balance from time to time as the completion of said arsenal and armory progresses, at the discretion of said commissioners, or so much of said loans as they may consider sufficiently secured by said real estate; provided, the plans and contract for said armory and arsenal building have first been approved by the governor of the state of Wisconsin.

Plans to be approved by governor.

Use of armory, etc.

SECTION 4. The state may use said arsenal and armory for the purpose of military defense in case of war, insurrection, rebellion, riot or invasion, or of resistance to the execution of the laws of the state, or of the United States; and also for the storage of arms and ammunition to such an extent and under such regulations as the governor may from time to time prescribe, free of rent or charge for the same until the said loan is fully repaid. All other military organizations of the Wisconsin National Guard and of the city and county of Sheboygan shall be entitled to use said arsenal and armory for all the legitimate purposes of an arsenal and armory upon payment of such rent and subject to such regulations as may be agreed upon between them and said Evergreen City Guard Armory Company, and in case of disagreement the matters in dispute shall be submitted to and decided by the governor of the state.

Interest to be paid before annual allowance.

SECTION 5. The annual allowance to said company for armory rent out of the state treasury shall not be made to said company until the annual interest on said indebtedness shall have been paid.

May hold real and personal estate.

SECTION 6. The Evergreen City Guard Armory Company is hereby authorized to hold real and personal estate for the purposes of an armory, and to convey the same, and the directors of said company are hereby authorized for that purpose, and for the purposes of executing a mortgage thereon, to convey all of said property, and to do all other and further acts necessary for the making of said loan, and the execution of security therefor.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 264, A.] [Published April 14, 1893.

CHAPTER 158.

AN ACT to appropriate to Louis Kirst, of Milwaukee, Wisconsin, a certain sum of money.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Louis Kirst in compensation for injuries.

SECTION 1. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two thousand dollars, to be paid to Louis Kirst as full compensation and payment of all liability of the state of Wisconsin, or of any officer or employe thereof, arising by reason of personal injuries received by him, without any fault or negligence on his part, on the twenty-third day of May, 1889, while operating a centrifugal wringer in the Wisconsin school for the deaf at Delavan, under the direction of the superintendent thereof, whereby his left arm was crushed, and there-

after amputated below the shoulder. Such money to be paid only upon the execution of a full and complete discharge of the state of Wisconsin, and of the officers and employes thereof, from any liability, and the said money, when paid, shall be for the sole benefit of said Louis Kirst, and used or expended by him only under the advice, counsel and direction of E. E. Chapin, of Milwaukee, the attorney for the Alumni association of the school for the deaf, at Delavan, and the said E. E. Chapin shall not receive any part of said appropriation for his services.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 288, A.] [Published April 14, 1893.

CHAPTER 159.

AN ACT to appropriate the sums of money therein named, to the Wisconsin Industrial School for Girls.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Wisconsin Industrial School for Girls.

SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, to the Wisconsin Industrial School for Girls the following sums of money for the purposes specified, to-wit: For the necessary improvements and repairs of the buildings and property belonging to the state of Wisconsin, and occupied by said school at North Point, in the city of Milwaukee, during the ensuing two years, namely, 1893 and 1894, the sum of five thousand dollars; for putting new steam heating apparatus in, and a new roof upon the main building, and for the construction of a new fence on the northerly and westerly sides of the

grounds, the sum of two thousand dollars; for the purchase of storm sash for the buildings of said Industrial School for Girls the sum of five hundred dollars.

Account to be kept.

SECTION 2. A correct account shall be kept by the managers of said school, of the expenditures of said sums hereby appropriated, and the same shall be reported to the governor and legislature in the next annual and biennial reports of said school.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1893.

No. 396, A.] [Published April 18, 1893.

CHAPTER 160.

AN ACT relating to the government of county asylums for the chronic insane, and amendatory of sections 1 and 2, of chapter 138, of the laws of 1887, entitled "An act for the government of county asylums for the chronic insane," approved, March 25, 1887.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 138, laws of 1887.

SECTION 1. Section 1, of chapter 138, of the laws of 1887, entitled "An act for the government of county asylums for the chronic insane," is hereby amended by striking out the word "there," in the third line thereof, and substituting in its place the word "the," and by inserting the word "thereof," after the word "meeting," in the fourth line of said section 1, and by inserting the word "the" before the word "terms," in the fifth line of said section 1, and by striking out all of said section after the word "years," in the eighth line thereof, and inserting in its place the following: "Beginning on the first Monday

in January following his election and continuing until his successor is elected and qualified;" so that said section, as thus amended, shall read as follows: Section 1. Each county asylum for the chronic insane shall be governed by a board of three trustees, to be elected by the county board at the annual meeting thereof. At the first election the trustees shall be elected for the terms of one, two and three years, respectively, and thereafter one trustee shall be elected each year for a term of three years, beginning on the first Monday in January following his election, and continuing until his successor is elected and qualified.

County asylums for chronic insane, how governed; trustees.

SECTION 2. Section 2 of said chapter 138, is hereby amended by striking out the word "said," where it occurs in the first and fourth lines of said section 2, and inserting in the place thereof the word "the," and adding to said section the following: "And until the appointee's successor is elected and qualified; and the county board at such meeting shall elect a trustee for the remainder of the term, and until his successor is elected and qualified;" so that said section 2, as amended, shall read as follows: Section 2. Should vacancies occur in the board of trustees by death or other cause, the chairman of the county board shall fill such vacancy by appointment, until the next annual meeting of the county board, and until the appointee's successor is elected and qualified; and the county board at such meeting shall elect a trustee for the remainder of the term, and until his successor is elected and qualified.

Vacancies, how filled.

SECTION 3. The terms of office of trustees of county asylums for the chronic insane, elected at the annual meeting of county boards, in the year 1892, shall be for one, two and three years, respectively, from the first Monday in January, 1893. All trustees of such county asylums shall take and subscribe the official oath or affirmation required by the constitution, and shall receive the same compensation for their services, as is allowed members of the county board.

Terms of office, oath; compensation.

SECTION 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 409, A.] [Published April 18, 1893.

CHAPTER 161.

AN ACT to amend section 2261a (chapter 460, 1889), of chapter 101, Revised Statutes of Wisconsin, relating to plats in certain counties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2261, R. S., as amended.

SECTION 1. Section 2261a (chapter 460, 1889), chapter 101, of the Revised Statutes of the state of Wisconsin, is hereby amended by adding the words "or village," after the word "city," in the third line thereof, so that said section shall read as follows: Section 2261a (chapter 460, 1889). In all cases where lands in any county, containing a population of over one hundred thousand inhabitants, and not within the limits of any city or village within said county, shall hereafter be subdivided into lots or blocks, or where streets, alleys or public grounds shall be dedicated or granted to the public, the owner or owners thereof shall, in platting the same, cause the streets and alleys in such plats to be laid out and platted to the satisfaction of the county board of such county, and shall submit such maps or plats thereof to the board of supervisors of such county for its approval; and if such map or plat shall be approved by said county board, the party or parties making such plat shall record the same, within thirty days from the date of such approval, together with the evidence of such approval; but except such plat be approved in writing endorsed thereon and subscribed by said county board and by resolution adopted by said county board, a copy of which, duly certified by the county clerk, shall be affixed to said plat

Plats in counties of over one hundred thousand, when to be approved by county board.

and offered for record on or before ninety days from the date of such resolution, it shall not be lawful for the register of deeds of such county to receive such plat or map for record, or to record the same, and the same shall have no validity, and the person or persons neglecting or refusing to comply with the requirements of this section shall forfeit and pay a sum not less than one hundred dollars, nor more than one thousand dollars, and the register of deeds who shall record such plat, without such approval of such county board endorsed thereon, or without such copy of a resolution of the said board thereto attached, approving the same, (or after thirty days from the date of such resolution), shall forfeit and pay a sum of not less than fifty dollars, nor more than one hundred dollars. All forfeitures and liabilities which may be incurred and arising under and by virtue of this section shall be prosecuted for and recovered in the name of such county, and paid into the county treasury for the benefit of the school fund. Forfeiture.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 503, A.] [Published April 18, 1893.

CHAPTER 162.

AN ACT to organize the town of Coleman, in Marinette county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All that portion of the town of Peshtigo, in Marinette county, Wisconsin, described as follows, to-wit: Sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty- Territory embraced.

one, thirty-two, thirty three, thirty-four, thirty-five and thirty-six, in township thirty-one north, of range nineteen east, sections nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six, in township thirty-one north, of range twenty east, sections four, five, six, seven, eight, nine, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two and thirty-three, in township thirty north, of range twenty-one east, and all of township thirty north, of range twenty east, in Marinette county, Wisconsin, is hereby set off and detached from the said town of Peshtigo, and erected into a separate town under the name and title of Coleman.

Powers.

SECTION 2. The said town of Coleman is hereby created and organized with all the rights, powers and privileges by law granted to other towns in this state, and subject to all the general laws enacted for town government therein.

First town meeting.

SECTION 3. The first town meeting in said town of Coleman shall be held on the first Tuesday of May, 1893, at the postoffice at Coleman, and the inspectors of said town meeting shall be August Brandry, J. A. Wagg, and Philip Dwyre, if present at the time and place appointed, or if not present, the person or persons necessary to fill any vacancy shall be selected by the electors of said town present at such time and place and the requisite number of clerks for such town meeting shall be chosen by such electors from the persons present at such time and place.

Notice to be given.

SECTION 3a. It shall be sufficient if the notice of the town meeting, provided for in the next preceding section, shall be given at least twenty-four hours prior to the said meeting.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 145, S.] [Published April 18, 1893.

CHAPTER 163.

AN ACT to prohibit and punish the employment of bodies of armed men to act as militiamen, policemen, or peace officers, who are not authorized by law to act in that capacity.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amendment, not to act as militiamen unless so empowered by laws of this state.

SECTION 1. The use or employment of bodies of armed men to act as militiamen, policemen or peace officers, who are not duly authorized or empowered to act in such capacity under the laws of this state, is hereby prohibited and declared to be unlawful; and no person, firm, company or corporation, shall hereafter use or employ any such body of armed men, to act in the capacity aforesaid, for the protection of person or property, or for the suppression of strikes within this state, whether such armed men be employes of detective agencies (so called) or otherwise. Any person who, as officer or agent of any firm, incorporated company or corporation, aids or assists in the employment of such armed men, shall be deemed to have employed the same within the meaning of this act.

Penalty.

SECTION 2. Any person found guilty of violating the provisions of this act shall be deemed guilty of a felony, and shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the state prison not more than three years, nor less than one year, or by both such fine and imprisonment.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 192, S.] [Published April 18, 1893.

CHAPTER 164.

AN ACT authorizing the building of a dock or pier in Sturgeon bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

James Keogh, et al., authorized to build dock.

SECTION 1. James Keogh, his heirs and assigns, are hereby authorized and empowered to build and maintain a dock or pier extending into the waters of Sturgeon bay, from the southeast fractional quarter of the southeast fractional quarter of section numbered sixteen, in township numbered twenty-seven north, of range numbered twenty-six east, in the city of Sturgeon Bay.

SECTION 2. This act shall take effect and be in force from and after its passage and publication; but the legislature reserves the right to alter, amend or repeal this act at any time.

Approved April 13, 1893.

No. 208, S.] [Published April 18, 1893.

CHAPTER 165.

AN ACT making members of county boards ineligible to election or appointment as trustees of county insane asylums.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Member of county board ineligible as trustee of county asylum.

SECTION 1. No member of any county board shall hereafter be eligible to election or appointment as a trustee of a county asylum. Nor shall any member of a county board serve upon the board of trustees of a county asylum. Provided, that this act shall not be construed as affecting any person now holding such office of trustee

until the expiration of the term for which he was appointed or elected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 197, S.] [Published April 18, 1893.

CHAPTER 166.

AN ACT to amend section 18, of chapter 392, of the laws of Wisconsin for the year 1856, entitled "An act to incorporate the Milwaukee and Northern Plank Road company."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 18, of chapter 392, of the laws of Wisconsin for the year 1856, is hereby amended by striking out all of said section after the word and figures "section 18," and inserting in lieu thereof the following: In case of an extension of the corporate limits of the city of Milwaukee beyond such points and places where toll gates are erected, in such cases toll gates are to be removed beyond the limits of the city of Milwaukee, the distance of one-half of one mile, and in case said company fails and neglects to remove such toll gates, such toll gates shall be thrown open upon complaint by any person being made in writing, in manner provided by sections 19 and 20, of this chapter, and remain open until such removal.

Amends sec. 18, ch. 392, laws of 1856

Toll gates, when to be removed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 210, S.] [Published April 18, 1893.

CHAPTER 167.

AN ACT relating to the restoring of streams, highways, etc., to their original state of usefulness, by railway corporations, and amendatory of section 1836, of the Revised Statutes of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1836, R. S.

SECTION 1. Section 1836, of the Revised Statutes of the state of Wisconsin, is hereby amended by adding at the end of said section the words following: "Provided, that where any railroad in the state of Wisconsin shall be built along, upon, or near navigable rivers, the improvement of which is in charge of the United States government, this act shall not apply to sloughs or bayous thereof closed by the government to aid the navigation of such rivers. Provided further, that in case such sloughs or bayous shall hereafter be closed by any railroad company, such railroad company shall be liable in damages, in case any such accrue, to any person or persons, corporation or corporations, owning lands thereon, injured thereby; and all provisions of the statutes of the state of Wisconsin for acquiring land by right of eminent domain and compensation therefor, shall apply in assessing damages for such closing, and for injury to lands thereon," so that said section, as amended, shall read as follows: Section 1836. Every corporation constructing, owning or using a railroad, shall restore every stream of water, water course, street, highway, plank road, turnpike, or canal, across, along or upon which such railroad may be constructed, to its former state, or to such condition as that its usefulness shall not be materially impaired, and thereafter maintain the same in such condition against any effects in any manner produced by such railroad. When any lands shall be required in order to change any highway, street, turnpike, or plank road, the same may be condemned, taken, and compensation made in the manner provided in this chapter, and when

Railroad corporations not to materially impair watercourses, streets, etc.

so taken, shall become a part of such highway, street, turnpike, or plank road, to the same extent as, and by the same tenure by which the adjacent parts thereof are held. Provided, that where any railroad in the state of Wisconsin shall be built along, upon, or near navigable rivers, the improvement of which is in charge of the United States government, this act shall not apply to sloughs or bayous thereof, closed by the government to aid the navigation of such rivers. Provided further, that in case such sloughs or bayous shall hereafter be closed by any railroad company, such railroad company shall be liable in damages, in case any such accrue, to any person or persons, corporation or corporations, owning lands thereon, injured thereby; and all provisions of the statutes of the state of Wisconsin for acquiring land by right of eminent domain, and compensation therefor, shall apply in assessing damages for such closing, and for injury to lands thereon.

When lands may be taken.

Navigable rivers in charge of general government.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 327, S.] [Published April 18, 1893.

CHAPTER 168.

AN ACT to legalize the acts and proceedings of the Watertown Shoe Company, and certain shares of stock issued by it, pursuant to the authority and direction of a meeting of the stockholders of said company duly convened and held on the nineteenth day of December, 1891.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All of the acts and proceedings of the stockholders of the Watertown Shoe Company, a corporation duly organized and existing

Legalizes certain acts of the Watertown Shoe Company.

under the laws of this state, and located in the city of Watertown, at a meeting duly convened and held on the nineteenth day of December, 1891, in authorizing and directing that additional shares of stock of said corporation to the amount of twelve thousand five hundred and fifty dollars be issued and sold at less than par, to make up and replace losses actually incurred in the transaction of its business, are hereby legalized, and the said stock and shares of stock so issued and sold pursuant to said authority and direction, to the amount aforesaid are, and each of said acts and shares of stock is, hereby fully legalized and validated in all respects as though such acts and proceedings had been authorized by the statutes of the state of Wisconsin, existing and in force at the time of said meeting and such issuance and sale of said stock.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 294, S.] [Published April 18, 1893

CHAPTER 169.

AN ACT to authorize Paul Browne and A. W. Shelton, their heirs or assigns, to construct and maintain a dam across the Pelican river in Oneida county, state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Paul Browne, et al., authorized to build dam.

SECTION 1. Paul Browne and A. W. Shelton, their heirs or assigns, are hereby authorized and empowered to raise, build and maintain a dam across the Pelican river, not more than twelve feet in height above low water mark, on either sections eight, nine or sixteen, township thirty-six north, of range nine east, for purposes of booming, manufacturing, and the furnishing of

electric light and power, and to erect and maintain such piers and booms in connection therewith, as may be convenient or necessary for holding, storing and assorting logs to be manufactured at Rhinelander; provided, that said dam shall be so constructed as not to impede the running of lumber, logs and timber down said river; provided, that a suitable slide, sufficient in width, shall be maintained at the expense of the owners of said dam, with guide-booms, so as to pass all lumber, logs and timber down and over said slide without delay, hindrance or waste. And for the purpose of erecting and maintaining such dam and of acquiring any flowage rights that they may deem necessary in carrying out the provisions of this act, the said parties may exercise all powers granted to corporations by section 1777, of the Revised Statutes of Wisconsin, as amended by chapter 318, of the laws of 1882.

Slide to be maintained.

SECTION 2. The legislature may at any time amend or repeal this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 288, S.] [Published April 18, 1893.

CHAPTER 170.

AN ACT to authorize the state to contract for a supply of water.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The governor, in his discretion, is hereby authorized to direct the superintendent of public property to contract for such a supply of water as may be required for the purpose of running the elevator in the capitol building, and sprinkling the lawns of the capitol park. And

Supply of water for use of state may be contracted for.

in case any such contract shall be made, the said superintendent is hereby authorized to properly connect the water mains of the capitol and park with the water mains of the party so contracting to furnish water, and is directed to perform and do such other work as may be necessary to properly secure the supply of water for the purposes hereinbefore mentioned.

Appropriation.

SECTION 2. There is hereby appropriated out of the treasury a sum of money sufficient to carry out the provisions of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 254, S.] [Published April 18, 1893.

CHAPTER 171.

AN ACT to amend section 3840, of the Revised Statutes, as amended by section 3, of chapter 496, of the laws of 1889, and to repeal section 3839, of the Revised Statutes, relating to county courts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 3840, R. S. as amended.

SECTION 1. Section 3840, of the Revised Statutes, as amended by section 3, of chapter 496, of the laws of 1889, is hereby amended so as to read as follows: Section 3840. The county court shall at the time of granting letters testamentary or of administration allow such time as the circumstances of the case shall require for the creditors to present their claims for examination and allowance, which time shall be fixed by an order and shall not in the first instance exceed one year, nor be less than six months from the date of said order. Such time may be enlarged or extended before or within the two months after the expiration of the time previ-

Time to present claims; may be extended.

ously limited has expired for good cause shown upon application of a creditor upon reasonable notice to the executor or administrator, if any, and otherwise to such parties in interest as the court shall direct, but not so that the whole time will exceed two years from the time of granting letters testamentary or of administration. Such claims shall be heard by the court or commissioners as the court shall direct. The county court shall also in said order appoint convenient times and places when and where the court or commissioners will receive, examine and adjust such claims, and shall cause a notice of the times and places fixed for that purpose, and of the time limited for creditors to present their claims, to be given by publication thereof in a newspaper as provided in section 4050, for four consecutive weeks, or in such other manner as the court may direct. The first publication, if any, shall be within fifteen days after making said order. The commissioners, if appointed, shall have power to adjourn to any other time or place, as the circumstances may require. They shall be sworn to a faithful discharge of their duty, and any one of them shall have power to administer oaths to parties and witnesses in matters on trial before them. If any commissioner shall at any time die, remove out of the state, refuse or become in any way incompetent to perform his duties as such, the court may appoint another in his place.

Notice to be published.

Commissioners.

SECTION 2. Section 3839, of the Revised Statutes, is hereby repealed.

Repeals sec. 3839, R. S.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 252, S.] [Published April 18, 1893.

CHAPTER 172.

AN ACT amendatory of section 18, chapter 193, laws of 1873, entitled "An act to change the management of the state prison, and to amend and consolidate all laws concerning the same."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 18, ch. 193, laws of 1873.

Warden of state prison.

SECTION 1. Section 18, chapter 193, laws of 1873, is hereby amended so as to read as follows: Section 18. The warden shall reside in the warden's residence on the prison property, and neither the warden nor any prison officer appointed by him, or holding an office in the prison, shall directly or indirectly have any interest or concern pecuniarily, in any contract, either verbal or written, which may be entered into by said warden on the part of the state, for any purpose whatever, connected with the business of the prison.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 246, S.] [Published April 18, 1893.

CHAPTER 173.

AN ACT to amend section 931, of the Revised Statutes, relating to the establishment of free libraries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 931, R. S.

Free public libraries.

SECTION 1. Section 931, of the Revised Statutes of Wisconsin, is hereby amended so as to read as follows: Section 931. The common council of every city not exceeding in population fifty thousand inhabitants, and the village board or board of trustees of every village, and the town board of every town containing over two thousand inhabitants, shall have power to establish and maintain a public library and reading room, and for such purpose may annually levy and cause to be collected as other general taxes are collected, a tax not exceeding one mill on each dollar of the taxable property of such city, town or village, or may set aside and appropriate a sum not to exceed ten per cent. of the money received in any year for license issued for vending or dealing in spirituous, vinous or fermented liquors, to constitute a library fund, which fund shall be kept by the treasurer, separate and apart from other money of the city, town or village, and be used exclusively for such purposes; provided, that no tax shall be levied without the same be first submitted to a vote, and be approved by a majority of the electors of such city, town or village.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 243. S.] [Published April 18, 1893.

CHAPTER 174.

AN ACT to amend chapter 284, of the laws of 1880, entitled "An act to provide for the incorporation of religious societies in connection with Congregational churches."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 284, laws of 1880.

SECTION 1. That chapter 284, of the laws of 1880, entitled "An act to provide for the incorporation of religious societies in connection with Congregational churches," be and the same is hereby amended so that section 1, of said chapter, shall read as follows: Section 1. The adult members, not less than three in number, of any Congregational church known as such in both government and name, which shall have been organized in this state, and which at the time maintains regular public worship, may, after due public notice given at some stated meeting of such church, organize a corporation for religious, charitable or educational purposes, in the manner hereinafter provided.

Adult members of Congregational church may organize corporation for religious, etc. purposes.

Amends sec. 2 of same.

SECTION 2. That section 2 shall be amended to read as follows: Section 2. Such members shall sign and acknowledge, before some officer authorized by law to take the acknowledgment of deeds in the county where such church is organized, a certificate substantially in the following form: "Know all men by these presents, that the undersigned (insert the names of the signers), and those who are or who may become associated with them for the purposes herein specified, have organized themselves into a church, located in (name of town, city or village), in the county of——, and state of Wisconsin, for religious, charitable and educational purposes, which shall be known and incorporated by the name (here insert the name). And they shall record the same in the office of the register of deeds of such county; and when such certificate shall have been so recorded, the church named therein shall be a corporation, and shall possess the powers and privileges granted to corpora-

Form of certificate.

tions by chapter 85, of the Revised Statutes, so far as the same are applicable or necessary to accomplish its purposes, and also such as are conferred by this chapter.

Amends sec. 3 of same

SECTION 3. That section 3 shall be amended to read as follows: Section 3. Such corporation may, by its constitution and by-laws, fix the terms and qualifications of membership and office therein, may provide rules for the government of the church and its officers, and fix the number of its trustees, not less than three nor more than nine, their term of office, and the manner of appointing or electing the same.

Constitution and by-laws.

Amends sec. 5 of same.

SECTION 4. That section 5 shall be amended to read as follows: Section 5. The secular business and temporal affairs of such corporation shall be administered by the board of trustees. It shall have the custody and management of the corporate property, and shall be governed in its official acts by the rules of the corporation applicable thereto, and not inconsistent with the laws of this state.

Affairs of corporation, how administered.

Amends sec. 8 of same.

SECTION 5. That section 8 shall be amended to read as follows: Section 8. All lands, tenements and hereditaments that have been or may hereafter be lawfully conveyed by demise, gift, grant, purchase, or otherwise to any persons or trustees in trust for the use of any religious society organized, or which may hereafter be organized, within this state, either for a meeting house, burying ground, or parsonage, shall, with the improvements, vest in such church when incorporated under the provisions of this chapter, as fully as if originally conveyed to it; and in case the society has not been reincorporated as herein provided, shall vest in the trustees of such society, and be held by them and their successors in trust for such society.

Real estate conveyed in trust to vest in corporation.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1898.

No. 766, A.] [Published April 18, 1893.

CHAPTER 175.

AN ACT to enable Winnebago county to build and pay for a county insane asylum.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County of Winnebago authorized to build insane asylum.

SECTION 1. The county of Winnebago, state of Wisconsin, is hereby authorized and empowered to build a county insane asylum in said county, at a cost not to exceed the sum of sixty thousand dollars.

May borrow money and issue bonds.

SECTION 2. The said county of Winnebago is hereby authorized and empowered for the purpose of building said county insane asylum to borrow a sum of money not to exceed sixty thousand dollars, at a rate of interest not to exceed five per cent. *per annum*, and payable within twenty years from April 1, 1893, and to issue its bonds therefor as follows: Said bonds shall be conditioned so that three thousand seven hundred and fifty dollars of the amount borrowed shall become due and payable on the first day of April, 1898; and the further sum of three thousand seven hundred and fifty dollars shall become due and payable on the first day of April in each and every year thereafter, till the whole sum borrowed shall have been paid. Interest shall be payable on April first annually. And said bonds and interest thereon shall be payable at the office of the county treasurer of said Winnebago county, and said bonds shall be signed by the chairman and the county clerk of said county, in their official capacity, and under the seal of the said county.

Committee of negotiation.

SECTION 3. And the said bonds, and each of them, so to be issued by said Winnebago county, shall be negotiated by a committee of three members of the county board of supervisors of said Winnebago county.

Amount to be raised.

SECTION 4. The said Winnebago county shall annually, during the continuance of said loan, raise by tax on the taxable property of Winnebago county, a sum sufficient to pay the interest thereon; and shall also raise in the same manner

annually after the loan shall have been made, a sum sufficient to pay the principal then about to become due; and the county clerk shall insert said amount in the tax roll, and the same shall be collected; and when collected, the same shall be applied in payment of said loan and interest, and for no other purpose.

Acts of board of supervisors legalized.

SECTION 5. Every act done, and every resolution passed, and all steps taken heretofore by the board of supervisors of Winnebago county, in relation to the building of said county insane asylum, the letting the contracts for the building thereof, and all other acts and things done by the said board of supervisors in relation thereto, are hereby ratified and legalized.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 96, A.] [Published April 18, 1893.

CHAPTER 176.

AN ACT to amend chapter 167, of the laws of 1881, so as to allow boards of education, incorporated as such in cities, to borrow money from the trust funds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 167, laws of 1881.

Trust funds may be loaned to towns, boards of education, etc.

SECTION 1. That section 1, of chapter 167, of the laws of 1881, be amended so as to read as follows: Section 1. In addition to the investments permitted by existing laws, the commissioners of public lands are hereby authorized in their discretion to invest the school fund, the university fund, the normal school fund, and the agricultural college fund, from time to time, as moneys belonging to those funds may be in the state treasury, in loans to towns, villages, cities, the boards of education, duly incorporated as

such, of any city and counties within this state, as hereinafter provided; and every town, village, city, board of education, and county, in this state, is hereby empowered to borrow of said commissioners, from said funds, or either of them, such sum or sums of money for such time, and upon such conditions and terms, as may be agreed upon by and between said commissioners and the town, village, city, board of education, or county, subject, however, to the limitations, restrictions and conditions hereinafter set forth.

Amends sec. 3 of same.

SECTION 2. Amend section 3 of said chapter 167, so that it will read as follows: Section 3.

Application for loans.

Every application for a loan under the provisions of this act, shall be made in writing, stating the amount required, the purpose to which it is to be applied, and the time and terms of repayment, and shall be accompanied by due proof of the preceeding three years, of the taxable property within the town, village, city or county making the application, and of the existing indebtedness thereof; but no loan shall be made to any town unless it shall appear to the satisfaction of the said commissioners that all the supervisors of such town have approved and authorized the application therefor; nor to any village, unless it shall appear that the application therefor has been approved and authorized by a vote of not less than three-fourths of all the trustees of such village, had and taken by ayes and noes, duly recorded, at a regular meeting thereof; nor to any city, unless it shall appear that the application therefor has been approved and authorized by a vote of not less than two-thirds of all the members of its common council, had and taken by ayes and noes, duly recorded, at a regular meeting thereof; nor to any board of education of such city unless the application therefor shall have been authorized by a vote of not less than two-thirds of all the members of such board of education, taken by ayes and noes, duly recorded, at a regular or special meeting thereof, and approved by a vote of not less than two-thirds of all the members of the common council of the city, wherein said board of education is organized, had and taken by ayes and noes, duly recorded, at a regular meeting thereof; nor to any county unless the application therefor shall have been approved and authorized by the vote of not

less than two-thirds of all the members of its board of supervisors, at some regular or special session thereof.

Amends sec. 4 of same.

Certificate of indebtedness, how executed.

SECTION 3. Amend section 4 of said chapter so that it will read as follows: Section 4. In case the application for any loan under the provisions of this act shall be approved by the said commissioners, they shall forthwith cause certificates of indebtedness to be prepared in proper form, and transmitted to the town, village, city, board of education or county submitting the application. The said certificates shall be executed and signed for a town by its chairman of supervisors, for a village by its president, for a city by its mayor, for a board of education by its president, and for a county by the chairman of its board of supervisors, and shall be countersigned respectively by the town, village, city, board of education, or county clerk, and returned to the said commissioners, to be deposited with the secretary of state, who shall thereupon draw his warrant upon the state treasury for the amount of such loan, and the same, less the interest thereon to the first day of the next succeeding January, shall be paid to the treasurer of the town, village, city, or county making such loan, or as he may direct; and said certificate of indebtedness shall then be absolute and conclusive evidence of the validity of such indebtedness, and that all the requirements of law concerning the application for the making and the acceptance of such loan have been complied with.

Amends sec. 9 of same.

Loan may be extended; conditions.

SECTION 4. Amend section 9, of said chapter 167, so that it will read as follows: Section 9. All loans which have heretofore been made, or may hereafter be made from any of the trust funds of the state, to any school district, town, village, city, board of education, or county, may be extended for such time and upon such terms as may be agreed upon by and between the commissioners of public lands, and such district, town, village, city, board of education, or county; provided, however, that no loan shall be extended upon which there is any default in the payment of interest at the time of making such application, nor to any period beyond twenty years from its inception, nor at any rate of interest less than the minimum established by law.

Loan to board of education, common council to raise tax to pay same.

Whenever a loan shall be made by such commissioners to a board of education, duly incorporated and approved by the common council of the city in which such board of education is organized and located, such common council shall, from time to time, levy a tax to pay the principal and interest of such loan, as they shall fall due, and such common council may be compelled to levy such tax by mandamus.

Amends sec. 10 of same.

When vote of legal voters required.

SECTION 5. Amend section 10, so that it will read as follows: Section 10. In every case when the county board of supervisors, town board of supervisors, common council of any city, or village board of any village is not specially authorized by law to procure loans and make appropriations for the purpose for which any such loan is required, such county, town, city or village shall, before applying for such loan, authorize such application by vote of a majority of the legal voters voting on said question at a general or special election. At least three weeks' notice of the submitting of said proposition shall be given, in the same manner that notices of special elections to fill vacancies in elective offices are required to be given, before such vote, which shall be by ballot, shall be taken; and said notice shall state the amount of the loan to be applied for, and the purpose for which the same is to be appropriated; provided, that this section shall not apply to loans made by boards of education, so as aforesaid voted for by said boards of education and, as aforesaid, authorized by the common council.

Notice.

Not to apply to loans to board of education.

SECTION 6. This act shall take effect from and after its passage and publication.

Approved April 13, 1893.

No. 26, A.] [Published April 18, 1893.

CHAPTER 177.

AN ACT to authorize the commissioners of public lands of state of Wisconsin to loan a portion of the trust funds of the state to the Eau Claire Light Guard Armory Company, of Eau Claire.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners may loan to Eau Claire Light Guard Armory Co. from trust funds.

SECTION 1. The commissioners of the public lands, with the approval of the governor of the state of Wisconsin, are hereby authorized and directed to loan of the trust funds of this state the sum of ten thousand dollars to the Eau Claire Light Guard Armory Company, of Eau Claire, Wisconsin, and of the Wisconsin National Guard; and the Eau Claire Light Guard Armory Company is hereby authorized to borrow the sum of ten thousand dollars of said commissioners, and to issue to said commissioners bonds for the debt so contracted. Such indebtedness shall bear interest at the rate of four *per centum per annum* and said interest shall be paid annually, and the principal so loaned shall be paid in sums of not less than five hundred dollars annually after the expiration of one year from the date of the issuing of said bonds, and all such bonds shall mature and be fully paid within twenty years from the date of their issuance.

Bonds to be secured by first mortgage.

SECTION 2. Said bonds shall be secured by a first mortgage upon the real estate of said company, with the usual provisions therein for insurance of the buildings and improvements thereon, for the benefit of the mortgagee, to be approved as to the form and execution thereof by the attorney general, which mortgage is hereby declared valid for the purpose of said security.

Existing indebtedness to be paid; armory to be built.

SECTION 3. Said sum so loaned shall be wholly applied for the payment of existing indebtedness thereon, and for the completion of an arsenal and armory upon the real estate now held by said company, and said loan shall be advanced upon said bonds so secured, the first amount thereof to

be so issued to be sufficient to pay the existing indebtedness now upon the armory building of said company, and the balance from time to time as the completion of said arsenal and armory progresses, at the discretion of said commissioners, or so much of said loan as they may consider sufficiently secured by said real estate; provided the plans and contract for said armory and arsenal building have first been approved by the governor of the state of Wisconsin.

Plans to be approved by governor.

Use of armory, etc.

SECTION 4. The state may use said arsenal and armory for the purposes of military defense in case of war, insurrection, rebellion, riot or invasion, or of resistance to the execution of the laws of the state, or of the United States; and also for the storage of arms and ammunition to such an extent and under such regulations as the governor may from time to time prescribe, free of rent or charge for the same, until the said loan is fully repaid. All other military organizations of the Wisconsin National Guard, of the city and county of Eau Claire, shall be entitled to use said arsenal and armory for all the legitimate purposes of an arsenal and armory, upon payment of such rent and subject to such regulations, as may be agreed upon between them and said Eau Claire Light Guard Armory Company, and in case of disagreement, the matters in dispute shall be submitted to and decided by the governor of the state.

Interest to be paid before annual allowance.

SECTION 5. The annual allowance to said company for armory rent out of the state treasury shall not be made to said company until the annual interest on said indebtedness shall have been paid.

May hold real and personal estate.

SECTION 6. The Eau Claire Light Guard Armory Company is hereby authorized to hold real and personal estate for the purpose of an armory, and to convey the same, and the directors of said company are hereby authorized for that purpose and for the purposes of executing a mortgage thereon, to convey all of said property, and to do all other and further acts necessary for the making of said loan, and the execution of security therefor.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Adproved April 13, 1893

No. 72 S.

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AN ACT [illegible]
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be so issued to be sufficient to pay the existing indebtedness now upon the armory building of said company, and the balance from time to time as the completion of said arsenal and armory progresses, at the discretion of said commissioners, or so much of said loan as they may consider sufficiently secured by said real estate; provided the plans and contract for said armory and arsenal building have first been approved by the governor of the state of Wisconsin.

Plans to be approved by governor.

Use of armory, etc.

SECTION 4. The state may use said arsenal and armory for the purposes of military defense in case of war, insurrection, rebellion, riot or invasion, or of resistance to the execution of the laws of the state, or of the United States; and also for the storage of arms and ammunition to such an extent and under such regulations as the governor may from time to time prescribe, free of rent or charge for the same, until the said loan is fully repaid. All other military organizations of the Wisconsin National Guard, of the city and county of Eau Claire, shall be entitled to use said arsenal and armory for all the legitimate purposes of an arsenal and armory, upon payment of such rent and subject to such regulations, as may be agreed upon between them and said Eau Claire Light Guard Armory Company, and in case of disagreement, the matters in dispute shall be submitted to and decided by the governor of the state.

Interest to be paid before annual allowance.

SECTION 5. The annual allowance to said company for armory rent out of the state treasury shall not be made to said company until the annual interest on said indebtedness shall have been paid.

May hold real and personal estate.

SECTION 6. The Eau Claire Light Guard Armory Company is hereby authorized to hold real and personal estate for the purpose of an armory, and to convey the same, and the directors of said company are hereby authorized for that purpose and for the purposes of executing a mortgage thereon, to convey all of said property, and to do all other and further acts necessary for the making of said loan, and the execution of security therefor.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Adproved April 13, 1893

No. 73 S.] [Published April 18, 1893.

CHAPTER 178.

AN ACT to provide for a revision of the school code of the Sate of Wisconsin and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Oliver E. Wells appointed commissioner to revise school laws.

SECTION 1. Oliver E. Wells is hereby appointed as a commissioner to prepare and submit to the legislature, at the next session thereof, within the first ten days after the opening, a proposed revision of the school law of this state, in the form of a bill. Such bill shall be accompanied by a report, giving explanatory notes and a statement of the reasons for any proposed changes in existing law. The said commissioner is authorized in preparing said revision, to visit other states, to consult prominent educators, to employ legal assistance in framing the bill, or in giving legal advice in any doubtful questions, and in preparing any legal presentment of the points involved in the changes proposed, or in examining the decisions of this or other states.

May visit other states, etc.

Appropriation.

SECTION 2. For the purpose of compensating such commissioner, defraying expenses incurred in travel, consultation, or legal or other counsel and services as authorized by the preceding section, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, the sum of seven thousand and five hundred dollars, one-half of which shall be at once paid to said Wells, and the other half paid to him hereafter in quarterly installments, while he is engaged upon the said work. At the close of the said work and after making his report as herein provided, he shall make out and file with the secretary of state a written statement of the amount from time to time applied as compensation and the amount expended in the manner hereinotherwise authorized.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 105, S.] [Published April 19, 1893.

CHAPTER 179.

AN ACT to amend section 1040, of the Revised Statutes, and the several acts amendatory thereof, and to repeal chapter 473, laws of 1891, and to re-enact sections 1 and 2, of chapter 258, laws of 1882, all relating to the assessment of personal property taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1040, R. S., as amended.

SECTION 1. Section 1040, of the Revised Statutes, as amended by chapter 244, of the laws of 1879, chapter 165, of the laws of 1880, chapter 354, of the laws of 1883, and chapter 473, of the laws of 1891, is hereby amended so as to read as

Personal property, where assessed.

follows: Section 1040. All personal property shall be assessed in the assessment district where the owner resides, except as hereinafter provided. If such owners be non-residents of the state, or foreign associations or corporations, but having an agent residing in this state in charge of such property, then the same shall be assessed in the district where such agent resides; otherwise in the district where the same is located, except as hereinafter provided. Merchants' goods, wares, commodities kept for sale, tools and machinery, manufacturers' stock, farm implements, cord wood, live stock, and farm products, excepting grain in warehouse, shall be assessed in the district where located. Saw logs and timber which are to be sawed or manufactured in any mill within this state which is owned or leased by the owner of such logs or timber, or in which such logs or timber are to be sawed or manufactured by or for the

owner thereof, shall be assessed as manufactuers' stock in the district where such mill may be located. Saw logs, timber, railroad ties, lumber and other articles not being manufacturers' stock, shall be assessed where the owner or agent having the same in charge in the case aforesaid resides. No change of location or sale of any personal property after the first day of May in any year shall affect the assessment made in such year. As between school districts and road districts, the location of personal property for taxation shall be determined by the same rules as between assessment districts; provided, that whenever the owner or occupant shall reside upon any contiguous tracts or parcels of land which shall lie in two or more assessment districts, then the farm implements, live stock and farm products, of such owner or occupant used, kept or being upon such contiguous tracts or parcels of land, shall be assessed in the assessment district where such owner or occupant resides at the time of such assessment.

Saw logs, timber, etc., where assessed.

SECTION 2. All saw logs, timber, railroad ties or telegraph poles cut in this state, owned by any person or corporation not residing in this state, and having no agent in this state, shall be assessed in the assessment district where the same shall be banked or piled for shipment, either by water or railroad.

Assessor to ascertain amount of same by actual view.

SECTION 3. It shall be the duty of the assessor of the assessment district in which saw logs, timber, railroad ties or telegraph poles owned by non-residents as aforesaid may be located, to ascertain at any time during the month of April in each year, the amount of such property in his assessment district, by actual view as far as practicable, to fix the value of said property and assess the same to the said owners as other personal property is valued and assessed.

SECTION 4. All acts and parts of acts in conflict with the provisions of this act or with any of the provisions thereof, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1893.

No. 127, S.] [Published April 19, 1893.

CHAPTER 180.

AN ACT relating to leaf tobacco, and providing that the same shall be listed by the assessor of the town, city or village where the same is located on May first of the year in which the assessment is made.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Leaf tobacco, where assessed.

SECTION 1. Leaf tobacco, whether in the hands of the grower or dealer, is hereby declared to be taxable, and shall be listed and valued by the assessor of the town, city or village where the same is located on May first of the year in which the assessment is to be made, and no tobacco located in any town, city or village in this state on May first shall be considered in transit, unless it has actually started on its journey, or has been delivered and consigned to a common carried for shipment.

Penalty.

SECTION 2. Any assessor who shall knowingly fail to list and value according to law, any and all leaf tobacco located in his town, city or village on May first of the year of making his assessment, shall be punished as provided in section 4550, of the Revised Statutes of this State.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1893.

No. 281, A.] [Published April 19, 1893.

CHAPTER 181.

AN ACT to repeal chapter 336, of the private and local laws of Wisconsin for the year 1866, entitled "An act to transfer certain delinquent collection fees to the school fund of towns in Outagamie county."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 336, of the private and local laws of Wisconsin for the year 1866, is hereby repealed. Repeals ch. 336, private and local laws 1866.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 128, A.] [Published April 19, 1893.

CHAPTER 182.

AN ACT amendatory of chapter 361, of the laws of Wisconsin for the year 1891, entitled "An act to exempt certain property from taxation, and amendatory of section 1038, of the Revised Statutes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 361, of the laws of Wisconsin for the year 1891, is hereby amended by striking out the words "and other personal property," where the same occur in said section, and by otherwise changing said section so that when so amended said section shall read as follows: Section 1. Subdivision 11, of section 1038, of the Revised Statutes, as amended, Amends sec. 1, ch. 361, laws 1891.

is hereby amended so as to read as follows: 11. Wearing apparel, family portraits, private libraries not exceeding in value the sum of two hundred dollars, kitchen furniture and other household furniture not exceeding in value the sum of two hundred dollars, and also growing crops.

Property exempt.

SECTION 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1893.

No. 318, S.] [Published April 19, 1893.

CHAPTER 183.

AN ACT to amend section 1337, of the Revised Statutes, relating to obstruction in highways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1337, R. S.

SECTION 1. Section 1337, is hereby amended by adding to the end thereof the following: "The provisions of this section shall not apply to incorporated cities and villages," so that said section, when so amended, shall read as follows: Section 1337. No person shall be required to remove any fence, under the above provisions, except between the first day of November and the first day of April, unless the same shall have been made within three months next before the making of the order for the removal thereof. The provisions of this section shall not apply to incorporated cities and villages.

Removal of fences.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 13, 1893.

No. 61, S.] [Published April 19, 1893.

CHAPTER 184.

AN ACT to authorize the commissioners of public lands of the state of Wisconsin to loan a portion of the general funds of the state of Wisconsin to the Wisconsin State Agricultural Society for the purposes therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners may loan to Wisconsin State Agricultural society from general fund.

SECTION 1. The commissioners of public lands, with the approval of the governor of the state, are hereby authorized and directed to loan of the general fund of the state the sum of thirty thousand dollars to the Wisconsin State Agricultural Society, to be used by such society for the payment of the present unsecured indebtedness, and the balance, if any, to be expended in improving said grounds; and the said Wisconsin State Agricultural Society is hereby authorized to borrow such amount of said commissioners, and to issue to the state of Wisconsin, by the proper officers thereof, bonds therefor, and to execute such mortgage and conveyances as the commissioners shall deem necessary. Such indebtedness shall bear interest at the rate of four per cent. *per annum*, and the principal so loaned shall be paid ten years from the date of such bonds, and such bonds shall mature and be fully paid ten years from the date of their issue.

Bonds to be secured by mortgage.

SECTION 2. Said bonds shall be secured by mortgage upon the real estate of said Wisconsin State Agricultural Society, which shall be free and clear from any and all liens or incumbrances prior to such mortgage, except a mortgage now held by the state of Wisconsin and a mortgage held by E. C. McFetridge, covering said property. Such bonds and mortgages shall be in form to most fully protect the state in every contingency, and shall before acceptance be approved as to form and execution by such commissioners, and such mortgage shall contain proper provision for the keeping of the buildings of said society upon

Insurance. such lands insured for the benefit and protection of the state at all times during the pendency of this mortgage.

Officers to give bond. SECTION 3. Before any money appropriated by this act shall be drawn from the state treasury as herein provided, the president, secretary and treasurer of said Wisconsin State Agricultural Society shall make and execute to the state of Wisconsin a bond in the penal sum of thirty thousand dollars with two or more good and sufficient sureties, who shall severally justify their liability under oath, such sureties and bond to be approved by the governor, and such bond shall be conditioned upon the faithful and honest application of all moneys appropriated by this act and received by such president, secretary and treasurer, or either of them, for the uses and purposes in this act specified, and a contract and verified statement of the indebtedness of said society otherwise than its indebtedness secured by mortgage, and such bond, when so made, executed and approved, shall be placed on file in the office of the secretary of state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1893.

No. 7, S.] [Published April 19, 1893.

CHAPTER 185.

AN ACT to provide for an increase of income of normal schools, and to afford means for the establishment of additional normal schools, and to repeal chapter 402, of the laws of 1891.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to normal school fund income from drainage fund. SECTION 1. There is hereby appropriated to the normal school fund income the sum of money mentioned and described in the fourth subdivision of section 1, of chapter 453, of the general laws of Wisconsin for the year 1891, the amount

thereof being seventy thousand nine hundred and thirty-nine dollars and two cents, which sum was, by said act, applied to the drainage fund. This appropriation shall include the said sum of money, and shall also include all earnings thereof that have been made since the same was paid into the state treasury, and that may have been received by the state treasurer at the date of the transfer of the said sum of money to the normal school fund income, as provided herein. Twenty thousand dollars of the sum hereby appropriated, may be used and expended by the board of regents of normal schools in the repair of present normal buildings, and in the maintenance of such normal schools as are now established. The remainder of the said sum herein appropriated to the normal school fund income shall be applied and used by said board in building and equipping two new normal school buildings, as the board shall hereafter locate, establish and build. The secretary of state shall, immediately after the passage and publication of this act, issue his warrant for the said amount of seventy thousand nine hundred and thirty-nine dollars and two cents, to the state treasurer, and the state treasurer shall, immediately upon the receipt thereof, transfer the said sum of money hereby appropriated, from the drainage fund to the normal school fund income, to be used for the purposes hereinbefore specified.

How expended.

SECTION 2. Any person, town, incorporated village, city or county lying in Wisconsin, is hereby authorized to donate a site and moneys, for the purpose of aiding in the construction of said additional normal school buildings, and the provisions of chapter 26, of the Revised Statutes of 1878, and the acts amendatory thereof, relating to the establishment of normal schools, and the donation of sites and sums of money for that purpose, shall apply to and govern all donations for the additional normal schools mentioned in this act.

Sites, etc., for normal schools may be donated.

SECTION 3. For the purposes of constructing normal school buildings, and of conducting and maintaining normal schools therein, there shall be levied and collected annually, hereafter, as other state taxes are levied and collected, a state tax of one-twentieth of one mill for each dollar

State tax to be levied of one-twentieth of one mill.

of the assessed valuation of the taxable property of the state; which amount so levied and collected is hereby appropriated to the normal school fund income, for the uses and purposes specified in this section.

Repeals ch. 402, laws of 1891.

SECTION 4. Chapter 402, of the laws of 1891, is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1893.

No. 176, S.] Approved April 19, 1893.

CHAPTER 186.

AN ACT to apporpriate a certain sum to the commissioners of fisheries.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to commissioners of fisheries.

SECTION 1. There is hereby appropriated to the commissioners of fisheries out of any moneys in the state treasury not otherwise appropriated, the following sum: For the purchase of a car suitable for the distribution of fish and fish fry in the lakes and waters of the state, the sum of five thousand dollars, or so much thereof as may be necessary for that purpose; said sum to be drawn by said commissioners in the same manner as other moneys have heretofore been drawn by them.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1893.

No. 88, A.] [Published April 19, 1893

CHAPTER 187.

AN ACT relating to the rate of interest on trust funds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The commissioners of public lands of the state of Wisconsin are hereby authorized and empowered to loan the trust funds of the state at a rate of interest not less than four *per centum per annum*; but loans to school districts shall be made at a uniform rate of interest at four *per centum per annum*; provided, all such loans shall be made in accordance with the provisions of chapter 17, of the Revised Statutes, and the several acts amendatory thereof. Rate of interest on trust funds.

SECTION 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1893.

No. 315, S.] [Published April 19, 1893.

CHAPTER 188.

AN ACT to amend section 1, of chapter 276, of the laws of 1883, entitled "An act to authorize the construction of branch roads and spur tracks in certain cases, and in relation to the exercise of the power of eminent domain, for the purposes therein named."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 276, of the laws of 1883, entitled as above, is hereby Amends sec. 1, ch. 276, laws of 1883.

Railway companies may build spur tracks, etc.

amended so as to read as follows: Section 1. Every railway company existing in whole or in part under the laws, general or special, of this state, and operating railways within this state, is authorized and empowered to build, maintain and operate branches and spur tracks from its railroad, or any branch thereof to and upon the grounds of any mill, elevator, storehouse, warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal dock or other industry or enterprise, with all side tracks, storage tracks, wyes, turn-outs and connections necessary or convenient to the use of the same; and every such company shall have the power to acquire, by purchase or by condemnation, in the manner provided in chapter 87, of the Revised Statutes, for the acquisition by railway companies of real estate for railway purposes other than for its main track, all necessary roadways and rights of way for such branches, spur tracks, side tracks, storage tracks, wyes, turnouts and connections; and every such company may also acquire, in the same manner, such depot grounds, yards, grounds for round houses, machine shops, warehouses, storehouses, elevators, docks, wharves and piers, as may be necessary and convenient for the enjoyment and use of its railroad; provided, that this act shall not affect any pending litigation.

Ch. 87 R. S. to apply.

Pending litigation not to be affected.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1893.

No. 249, S.] [Published April 19, 1893.

CHAPTER 189.

AN ACT to prevent the discharge of filth or sewage into Geneva lake, in the county of Walworth.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Filth, etc., not to be discharged into Geneva lake.

SECTION 1. Any person who shall build, keep or maintain any sewer, ditch or drain, by means whereof the filth or sewage from any dwelling house, stable, privy, cesspool, camp, hotel, club house or boarding house shall be conveyed to or discharged into Geneva lake, in the county of Walworth; and any person who shall in any manner whatsoever, place, deposit, empty or discharge the filth or sewage from any such dwelling house, stable, privy, cesspool, camp, hotel, club house or boarding house, into said lake, shall be deemed guilty of a misdemeanor.

Penalty.

SECTION 2. Every person convicted of a violation of section 1, of this act, shall be punished by a fine not exceeding one hundred dollars, nor less than ten dollars.

Maintenance of sewer, etc., a misdemeanor.

SECTION 3. Where a ditch, drain or sewer shall be or heretofore shall have been dug, made or constructed for any purpose prohibited by section 1, of this act, the person keeping or maintaining the same shall be deemed guilty of a separate offense for each and every day such ditch, drain or sewer shall be so maintained and used in violation of this act.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1893.

No. 345, A.] [Published April 20, 1893.

CHAPTER 190.

AN ACT to amend chapter 129, of the laws of 1851, as amended by chapter 32, of the private and local laws of 1862, authorizing Merick Murphy and his associates to build a dam across Oconto river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2, ch. 129, laws of 1851, as amended.

SECTION 1. Section 2, of chapter 129, of the laws of 1851, as amended by chapter 32, of the private and local laws of 1862, is hereby amended so as to read as follows: Section 2. Said dam shall not exceed twenty feet in height above high water mark. In some suitable place in said dam shall be a good and sufficient slide to admit the passage of all logs, timber, posts and ties, that they may navigate said river.

Height of dam, slide, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1893.

No. 279, A.] [Published April 20, 1893.

CHAPTER 191.

AN ACT to authorize N. H. Brokaw and E. A. Edmonds, their successors and assigns, to build and maintain a dam across the Oconto river, in the county of Oconto, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

N. H. Brokaw et al. authorized to build dam.

SECTION 1. N. H. Brokaw and E. A. Edmonds, their successors and assigns, are hereby authorized to build and maintain a dam across the

Oconto river from lot number one, section twenty-five, town twenty-eight north, range nineteen east, on the south side of the river, to the opposite bank on the north side of the river, in township twenty-eight north, of range nineteen east, of the fourth principal meridian, not over one-half mile below the dam known as Falls Manufacturing Company's dam, and to make use of the hydraulic power furnished by said dam.

Height.

SECTION 2. Said dam shall not exceed in height twenty-five feet, nor raise a head to exceed twenty-seven feet.

Slide to be constructed.

SECTION 3. There shall be constructed, maintained and kept in order, in and as a part of said dam, a good and sufficient slide, so as at all times to give a free and unobstructed passage to all rafts, logs and other lumber passing down said Oconto river.

Ch. 146, R. S. to apply.

SECTION 4. The provisions of chapter 146, of the Revised Statutes of 1878, commonly called the "Mill dam law" shall apply to such dam and the owners thereof, and to all actions against those erecting and maintaining the same on account thereof, and on account of any damages caused thereby by flowage or otherwise.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 15, 1893.

No. 175, S.] [Published April 22, 1893.

CHAPTER 192.

AN ACT to amend section 1780, of the Revised Statutes, as amended by chapter 211, of the laws of 1879, relating to electric light companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1780, R. S. as amended.

SECTION 1. Section 1780, of the Revised Statutes, as amended by chapter 211, of the laws of

Electric light companies may use streets, etc., for operating lines, etc.

1879, is hereby amended by adding thereto as follows, to-wit: Any corporation heretofore or hereafter organized for the purpose of furnishing heat, light, power or signals by electricity, is hereby authorized, with the consent of, and in the manner agreed upon with the proper authorities of any city or village, to use any street, alley, lane, park or public grounds for constructing and maintaining and operating its lines with all necessary wires, conduits and appurtenances for the purpose of supplying light, heat, power or signals to such city or village, or to any building, manufactory, industry or public or private house therein; provided, no permanent injury shall be done to such street, alley, lane, park or public grounds. The provisions of this section shall apply to any corporation heretofore organized and now operating an electric light plant by the consent of the authorities of any city or village.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 312, S.] [Published April 22, 1893.

CHAPTER 193.

AN ACT amendatory of chapter 202, of the laws of 1891, relating to drainage.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Amends ch. 202, laws of 1891.

SECTION 1. That in the doing of the work and in the construction of the drains, canals, ditches, sewers and trenches required to be done by the said chapter 202, of the laws of 1891, the said James Reynolds, and those claiming under him, shall have the right, if he or they shall so elect, to so construct said drains, canals, ditches, sewers and trenches in such manner as to preserve the waters of said Wind lake, or such part there-

James Reynolds et al. may preserve waters of Wind lake.

of as he or they shall elect, or to restore the waters thereof to their former mean level, either by dams, gates, dikes or embankments, or either, or by constructing said canals, drains, ditches, sewers and trenches around said Wind lake, as he or they shall see fit; and to the extent herein specified, and no further, the said chapter 202, of the laws of 1891, is hereby modified and amended, and as hereby amended the same shall continue in force.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893

No. 307, S.] [Published April 22, 189-

CHAPTER 194.

AN ACT authorizing Charles W. Hanson, his heirs or assigns, to build and maintain a dam across Elder creek, in section nineteen, tow thirty-one, range four west.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Charles W. Hanson, et al., may build dam.

SECTION 1. For the purpose of improving the navigation of Elder creek, Charles W. Hanson, his heirs or assigns, are hereby authorized to build or acquire, maintain and operate a dam across said creek, at some point on section nineteen, in township thirty-one, range four west, in the county of Taylor, and state of Wisconsin, and also to build, maintain and operate such booms and other improvements upon said creek, at or near said dam, as may be necessary or convenient to aid in the driving of logs down said creek to the mouth thereof,

Gates and sluices to be maintained.

SECTION 2. The dam authorized by this act shall be constructed and maintained with suitable gates and sluices for the passage of logs over the same, and the management and control

of the water collected therein in aid of the navigation of said Elder creek. And the said dam, its gates, sluices and all other improvements erected or maintained upon said creek by said Charles W. Hanson, his heirs or assigns, under the provisions of this act, shall at all times be under the exclusive control of said Charles W. Hanson, his heirs or assigns, and shall be so controlled and managed as, in the judgment of said Charles W. Hanson, his heirs or assigns, will best subserve the interests of all parties engaged in driving logs down said creek.

May charge toll.

SECTION 3. As compensation for the improvement of said creek, when said Charles W. Hanson, his heirs or assigns, shall have erected or acquired, and shall maintain said dam heretofore authorized, said Charles W. Hanson, his heirs or assigns, shall be entitled to, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as a toll, the sum of fifteen cents per thousand feet, board measure, on all logs or timber sluiced or driven through said dam. And said Charles W. Hanson, his heirs or assigns, are hereby authorized and empowered to demand and receive the said toll before they shall be required to permit the use of the water retained by the said dam herein authorized for the purpose of sluicing or driving any logs or timber on said creek. And in case any logs or timber are sluiced or driven down said river through said dam, without the toll thereon having first been paid, the said toll shall be and remain a lien upon such logs or timber, and all logs or timber bearing the same mark, until the said toll is paid. Which said lien shall take precedence of any and all other liens upon said logs or timber, except liens for labor, and the lien hereby given may be enforced in the same manner and with like effect as liens for labor upon logs, as provided in chapter 143, of the Revised Statutes of 1878, and the several acts of the legislature amendatory thereof, which said chapter and the several acts amendatory thereof are hereby made applicable hereunto; except that the statement of the debt or demand therein required to be filed in the office of the clerk of the circuit court may be filed at any time prior to the first day of October in the year in which the last

Tolls to be liens.

Ch. 143, R. S. as amended to apply, except as to filing of statement.

sluicing or driving of such logs or timber shall have been done. The owner or owners of any logs or timber sluiced or driven down said river, through said dam, shall be personally liable for the toll thereon, and any person having a mortgage upon such logs at the time the same are so sluiced or driven, who shall afterward sell or take possession of any such logs by virtue of any such mortgage, shall thereby become personally liable for the toll due thereon; and the said Charles W. Hanson, his heirs or assigns, are hereby authorized to sue for and recover tolls from such owner or mortgagee.

Owners, etc., of logs to be personally liable; etc.

SECTION 4. The right to alter, amend or repeal this act is hereby reserved.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 16, A.] [Published April 22, 1893.

CHAPTER 195.

AN ACT to repeal section 2508, Revised Statutes, 1878, and relating to the appointment of a reporter for the municipal court for Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2508, of the Revised Statutes of Wisconsin for 1878, is hereby repealed.

Repeals sec. 2508, R. S.

SECTION 2. The judge of the municipal court for Milwaukee county is hereby authorized to appoint a phonographic reporter, skilled in the art of shorthand reporting, for the municipal court in and for the county of Milwaukee. The person so appointed shall be deemed an officer of the court, and before entering upon the duties of his office shall take and subscribe the constitutional oath of office, and file the same, duly certified, in the office of the clerk of the circuit court.

Phonographic reporter may be appointed by judge.

Such reporter so appointed shall attend upon the regular terms of the municipal court and shall report all preliminary examinations held before said court, and report any other trial or proceeding which may be had before said court, when directed by the judge so to do.

Salary. SECTION 3. Such reporter shall receive a salary of two thousand dollars *per annum*, payable quarterly.

Reporter to furnish transcripts of evidence. SECTION 4. It shall be the duty of such reporter, at the request of any party, to transcribe in longhand the evidence of any proceeding or trial taken by him in said court, or any part thereof, which transcript shall be duly certified by him to be correct, and for which he shall be entitled to receive from the party requesting the same five cents per folio when written out in full, and when at the request of the party it shall be written in narrative form, ten cents per folio. Such reporter shall be furnished all necessary stationery. Said court may in its discretion order a transcript of the evidence or proceedings, or any part thereof, to be made and certified by the reporter, and filed with the clerk of the court, and the costs thereof, not exceeding five cents per folio, shall be paid upon certificate of the judge from the county treasury. It shall be the duty of such reporter to transcribe and file, as soon as may be, the charge of the court to the jury in every criminal trial, and the evidence taken upon preliminary examinations free of charge.

Fees.

Court may order transcript.

Criminal cases.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 50, A.] [Published April 22, 1893.

CHAPTER 196.

AN ACT to facilitate the giving of bonds required or permitted by law, and to repeal chapter 449, of the laws of 1885, entitled "An act to facilitate the giving of bonds required by law."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bonds, etc., when corporation may be surety.

SECTION 1. Whenever any bond, recognizance, obligation, stipulation or undertaking is by law, municipal or otherwise, or the rules or regulations of any board, body or organization, municipal or otherwise, required or permitted to be made, given, tendered or filed, for the security or protection of any person, persons, corporation, municipality or other organization whatsoever, conditioned for the doing or not doing of anything in such bond, recognizance, obligation, stipulation or undertaking specified, any and all heads of departments, public officers, state, county, town or municipal, and any and all boards, municipalities, committees thereof, courts and judges now or hereafter required or permitted to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking, may, in the discretion of such head of department, court, judge, public officer, board, municipality, or committee thereof, accept such bond, recognizance, obligation, stipulation, or undertaking, and approve the same whenever the same is executed, or the conditions thereof are guaranteed, solely by corporation authorized to guarantee the fidelity of persons holding places of public or private trust, to guarantee the performance of contracts other than insurance policies, and to execute and guarantee bonds and undertakings, required or permitted in actions or proceedings, or by law allowed; and whenever any such bond, recognizance, obligation, stipulation or undertaking is so required or permitted to be made, given, tendered or filed with one surety, or with two or

more sureties, the execution of the same, or the guaranteeing of the performance of the conditions thereof, shall be sufficient when executed or guaranteed solely by such company so authorized, and shall be in all respects a full and complete compliance with every requirement of every law, ordinance, rule or regulation that such bond, undertaking, recognizance, obligation or stipulation shall be executed or guaranteed by one or more sureties, or that such sureties shall be residents or householders or freeholders; and any and all heads of departments, courts, judges, boards, municipalities or committees thereof, and any and all public officers, state, county, town or municipal, whose duty it may be, or shall hereafter be, to accept or approve the sufficiency of any such bond, recognizance, obligation, stipulation or undertaking, may accept and approve the same, when executed or guaranteed solely by such a company; and all such corporations are hereby vested with full power and authority to execute or guarantee such bonds, recognizances, stipulations, obligations or undertakings, whether given under the laws of this state, or of the United States, or of any state or country. The certificate of the commissioner of insurance for the state of Wisconsin, to the effect that from the certificates and other evidences on file in his office, it appears that the company executing any such bond as surety thereon is solvent to an amount at least four times the penalty of the proposed bond or undertaking, shall be and the same hereby is made equivalent to the justification of sureties required by law. Before any such certificates shall be issued by said commissioner, every such corporation shall comply with the terms and conditions imposed upon foreign fire insurance companies doing business in this state, and shall be subject so far as practicable to all the provisions of law applicable thereto, and to the provisions of chapter 443, of the laws of 1885, relating to the service of process.

Certificate of insurance commissioner, etc., equivalent to justification of sureties; condition.

SECTION 2. Any company executing such bond, recognizance, obligation, stipulation or undertaking, and any such surety may be released from its liability on the same terms and conditions as are or may be by law prescribed, for the release

Release from liability.

of individuals upon any such bond, recognizance, obligation, stipulation or undertaking, it being the true intent and meaning of this act to enable corporations created for that purpose to become surety on bonds, recognizances, obligations or undertakings required by law, municipal or otherwise, or the rules or regulations of any court, judge, board, city charter, village, town organization or otherwise.

Estoppel.

SECTION 3. Any such company which shall execute any bond, recognizance, obligation, stipulation or undertaking as surety under the provisions of this act, shall be estopped in any proceedings to enforce the liability which it shall have assumed to incur, to deny its corporate power to execute such instrument or assume such liability.

Repeals ch. 449, laws of 1885.

SECTION 4. Chapter 449, of the laws of 1885, entitled "An act to facilitate the giving of bonds required by law," is hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 243, A.] [Published April 22, 1893.

CHAPTER 197.

AN ACT to grant to the city of Milwaukee a certain portion of submerged land, lying along and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Milwaukee, for public park and boulevard purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Certain submerged land in Lake Michigan ceded to city of Milwaukee.

SECTION 1. The right, title and interest of the state of Wisconsin in and to a strip of submerged land, three hundred feet in width, along and adjacent to the shore of Lake Michigan, consti-

tuting the bed of said lake, being on the eastern frontage of the city of Milwaukee, having for its westerly boundary the easterly face of the breakwater constructed by the Chicago and Northwestern Railway company, for its south boundary the south line of Mason street, in the seventh ward in the city of Milwaukee, extended, and for its north boundary the extention of the east and west quarter section line, running through section twenty-one, in town seven north, range twenty-two east, in the Eighteenth ward of said city of Milwaukee, are hereby granted and ceded to the said city of Milwaukee, to be held and used by said city forever as part of its system of public parks and boulevards, and to be managed, controlled and improved by the board of park commissioners, as provided in chapter 488, of the laws of 1889, and chapter 179, of the laws of 1891, of Wisconsin; provided, that said land hereby ceded and granted shall not be leased or sold by said city of Milwaukee, nor used by it for any other purpose than as a public park and boulevard; and provided further, that said city shall construct over any railroad track or tracks, intersected by any bridge or driveway to said park on above described strip of land, good and sufficient viaducts or bridges, at least twenty-two feet high in the clear above said track or tracks, and suffer or permit no grade crossings thereover; and provided further, that said strip of land hereby granted shall in part be filled in and improved so as to be made a public park or boulevard within five years from the date of the passage and publication of this act.

For what to be used.

Viaducts, etc., to be built.

Riparian rights not to be divested.

SECTION 2. Nothing in this act contained shall be construed to divest or otherwise affect the riparian rights and privileges of the several owners of the lots abutting on Lake Michigan, but all such riparian rights and privileges shall remain vested in such abutting or upland owners, subject only to the use of the land hereby granted to said city of Milwaukee, for the purpose of its system of public parks and boulevards, and any land which may be between the right of way of the Chicago and Northwestern Railway Company, as described in the several conveyances thereof to said company, and said easterly face of said railroad breakwater shall not be used by said rail-

way company for any purpose whatsoever, except that of a slope or embankment to protect the roadbed or tracks on said right of way.

SECTION 3. This act shall take effect and be in force from and after the date of its passage and publication.

Approved April 17, 1893.

No. 267, A.] [Published April 22, 1893.

CHAPTER 198.

AN ACT to appropriate to James Fisher, Jr., a sum of money therein named, in full for his costs and expenses in contesting for office of member of assembly.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to James Fisher, Jr

SECTION 1. There is hereby appropriated to James Fisher, Jr., out of any moneys in the treasury not otherwise appropriated, the sum of four hundred and forty dollars and fifty-one cents, in full for expenses incurred by him in contesting for the office of member of assembly from Crawford county, Wisconsin.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 732, A.] [Published April 19, 1893.

CHAPTER 199.

AN ACT to appropriate to Frank A. Deleglise a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Frank A. Deleglise.

SECTION 1. There is hereby appropriated to Frank A. Deleglise, out of any moneys in the treasury not otherwise appropriated, the sum of ten hundred and thirty-four dollars and twenty-one cents, in full for expenses incurred by him in contesting for the office of member of assembly for the assembly district composed of the counties of Langlade, Forest and Florence.

SECTION 2. This act shall take effect and be in force from and after its passage and publication

Approved April 17, 1893,

No. 273, A.] [Published April 22, 1893.

CHAPTER 200.

AN ACT to amend section 3, chapter 240, of the laws of the state of Wisconsin for the year 1880, entitled "An act to prohibit unauthorized companies and agents from transacting the business of insurance in this state, and relating to the department of insurance.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amend sec., s ch. 240, laws of 1880.

SECTION 1. Section 3, of chapter 240, of the laws of the state of Wisconsin for the year 1880, is hereby amended so as to read as follows: Sec-

tion 3. No corporation transacting the business of fire insurance in this state, not incorporated by the laws of this state, shall write, or cause to be written, any policy of insurance on property located in this state, except through a duly authorized agent of such corporation, who shall reside within this state, and who shall be licensed by the commissioner of insurance, according to law. Subdivision 1. Any company or corporation violating the provisions of said section 3, as amended, upon notice and satisfactory proof thereof being made to the commissioner of insurance, shall have its or their authority to transact business in the state of Wisconsin revoked for a period of not less than ninety days. Any insurance company, whose license to do business in the state of Wisconsin may be so revoked by the commissioner of insurance, shall not be again permitted to do business in the state until all taxes and penalities due on said conviction shall have been paid, together with any expenses that may be due under the provisions of this section, to the commissioner of insurance of the state of Wisconsin, and such company shall only be readmitted to do business in the state of Wisconsin upon a complete recompliance with the laws then in force in regard to the admission of insurance companies to do business in the state of Wisconsin. Subdivision 2. When notice of any violation of said section 3, as amended, is received by the commissioner of insurance, it shall be his duty, forthwith in person or by deputy to visit the office of such company or companies, where such contract may have been written or made, and demand an inspection of the books and records of such company or companies. Any company refusing to exhibit its or their books and records for his inspection, shall be deemed guilty of violating the provisions of said section 3, as amended, and the penalties provided by subdivision 1, of said section 3, shall be immediately enforced against such company or companies by the commissioner of insurance. Subdivision 3. The commissioner of insurance shall receive as a compensation for the services rendered under the provisions of this section, his necessary traveling expenses,

Foreign fire insurance company to transact business through resident agent.

License, when to be revoked.

Duty of commissioner.

Compensation.

and ten dollars per diem, which sum shall be charged against the company or companies so found guilty by him, and collected from such company or companies. In case such company or companies be found not guilty, the necessary traveling expenses shall be paid out of any funds in the hands of the commissioner of insurance under the provisions of section 6, of said chapter 240, of the laws of 1880.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 302, A.] [Published April 22, 1893.

CHAPTER 201.

AN ACT relating to salary of county judge of Outagamie county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Salary of county judge.

SECTION 1. From and after the first Monday in January, A. D. 1894, the salary of the county judge of the county of Outagamie shall be fifteen hundred dollars *per annum*, payable quarterly at the end of each quarter out of the treasury of said county.

County board may fix salary.

SECTION 2. The county board of supervisors of said Outagamie county may, at the times and in manner as provided by law, fix the salary of the county judge of said county for any subsequent term; providing, that the salary so fixed shall not be less than fifteen hundred dollars.

SECTION 3. All acts and parts of acts, so far as they are in conflict with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 427, A.] [Published April 22, 1893.

CHAPTER 202.

AN ACT to provide for notice of action in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Damages from fire set by locomotive, etc.; notice to be given within one year.

SECTION 1. No action against any railroad or railway corporation for damages to property occasioned by fire set from a locomotive, or for stock killed or injured by such corporation, shall be maintained, unless within one year after the happening of the event causing such damage, notice in writing signed by the party owning such property or stock, his agent or attorney, shall be given to such corporation against which damage is claimed, stating the time and place where such damage occurred, and that satisfaction therefor is claimed of such corporation. Such notice may be given in the manner required for the service of summons in courts of record.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 278, A.] [Published April 22, 1893.

CHAPTER 203.

AN ACT to authorize James Spaulding, his heirs and assigns, to build and maintain dams across Comet river, in the counties of Shawano and Waupaca, in the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

James Spaulding, et al., authorized to build dam.

SECTION 1. For the purpose of improving the navigation of the Comet river, James Spaulding, his heirs or assigns, are hereby authorized to

build, maintain and operate dams across said Comet river at some point on section twenty-o..., township number twenty-six north, range eleven east, and also on section thirty-four, township twenty-six north, range eleven east, in the county of Shawano, also on section twelve, township number twenty-five north, range eleven east, in the county of Waupaca, in the state of Wisconsin; and also to build, maintain and operate such booms and other improvements upon said river, at or near said dams, as may be necessary or convenient to aid in the driving of logs down said river to the mouth thereof.

Gates, etc., to be maintained.

SECTION 2. The dams authorized by this act shall be constructed and maintained with suitable gates and sluices, for the passage of logs over the same, and the management and control of the water collected therein in aid of the navigation of said Comet river, and the said dams, their gates, sluices and all other improvements erected or maintained upon said river by said James Spaulding, his heirs or assigns, under the provisions of this act, shall at all times be under the exclusive, control of said James Spaulding, his heirs or assigns, and shall be so controlled and managed as in the judgment of said James Spaulding, his heirs or assigns, will best subserve the interests of all parties engaged in driving logs down said river.

Tolls may be collected.

SECTION 3. As compensation for the improvement of said river, when said James Spaulding, his heirs or assigns, shall have erected and shall maintain said dams, or any of them, herein authorized, said James Spaulding, his heirs or assigns, shall be entitled, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as a toll, the sum of ten cents per thousand feet, board measure, on all logs or timber, sluiced or driven through or by the aid of said dam, or by the aid of the waters collected therein, and said James Spaulding, his heirs or assigns, are hereby authorized and empowered to demand and receive the said toll before he or they shall be required to permit the use of the water retained by the said dam or dams herein authorized, for the purpose of sluicing or driving any logs or timber on said river, and in case any logs or timber are sluiced, or

driven down said river, through or below said dam or dams, without the toll thereon having first been paid, the said toll shall be and remain a lien upon such logs or timber, and all logs or timber bearing the same mark, until the said toll is paid, which said lien shall take precedence of any and all other liens upon said logs and timber, except liens for labor, and the lien hereby given may be enforced in the same manner, and with like effect as liens for labor upon logs, as provided in chapter 143, of the Revised Statutes of 1878, and the several acts of the legislature amendatory thereof, which said chapter and the several acts amendatory thereof are hereby made applicable hereunto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of the circuit court may be filed at any time prior to the first day of October in the year in which the last sluicing or driving of such logs or timber shall have been done, and such statement shall be filed in the office of the lumber inspector of the Twelfth lumber district of the state of Wisconsin, instead of the office of the clerk of the circuit court, as required by said chapter 143, and the acts amendatory thereof. The owner or owners of any logs or timber sluiced or driven down said river, through or below said dam or dams, shall be personally liable for the toll thereon, and any person having a mortgage upon such logs at the time the same are so sluiced or driven, who shall afterwards sell or take possession of any such logs, by virtue of any such mortgage, shall thereby become personally liable for the toll due thereon, and the said James Spaulding, his heirs or assigns, are hereby authorized to sue for, and recover such tolls from such owner or mortgagee.

Tolls to be lien.

Ch. 143, R. S., as amended, to apply except as to filing of statement.

Owners, etc., to be personally liable, etc.

SECTION 4. Said James Spaulding, his heirs or assigns, for the purpose of acquiring any flowage rights that he or they may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by section 1777, of the Revised Statutes of 1878, and the several acts of the legislature amendatory thereof.

May acquire flowage rights under sec. 1777, R. S., as amended.

SECTION 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 6. The right to alter, amend or repeal this act is hereby reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 441, A.] [Published April 19, 1893.

CHAPTER 204.

AN ACT to appropriate to Joseph Filz a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Joseph Filz.

SECTION 1. There is hereby appropriated to Joseph Filz, out of any moneys in the state treasury not otherwise appropriated, the sum of eight hundred and ninety-one dollars and fifty-one cents, in full for expenses incurred by him in contesting for the office of member of assembly of the district comprised of the county of Kewaunee.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 334, A.] [Published April 19, 1893.

CHAPTER 205.

AN ACT to appropriate to James O. Davidson the sum of money therein specified for his costs and expenses in his contested election case.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to James O Davidson.

SECTION 1. There is hereby appropriated to James O. Davidson, out of any moneys in the treasury not otherwise appropriated, the sum of seven hundred and three dollars and two cents in full for expenses incurred by him in contesting for the office of member of the assembly for the assembly district of the county of Crawford.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 476, A.] [Published April 22, 1893.

CHAPTER 206.

AN ACT to grant to the city of Milwaukee a certain portion of submerged land lying and adjacent to the shore of Lake Michigan, on the eastern frontage of the city of Milwaukee, northeasterly from the easterly line of section twenty-one, to the northerly line of section fifteen, in the Eighteenth ward of the city of Milwaukee, for public park and boulevard purposes.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All the right, title and interest of the state of Wisconsin in and to the following land along and adjacent to the shore of Lake

Grants certain submerged land in Lake Michigan to city of Milwaukee.

Michigan, and partly submerged, constituting the bed of lake Michigan, being on the southern and eastern frontage, in the Eighteenth ward of the city of Milwaukee, described as follows, to-wit: A strip of land three hundred feet in width, having for its westerly boundary the extended center line of lot fifteen, in block nine, of Glidden and Lockwood's addition, in the Eighteenth ward of the city of Milwaukee, and lying southerly, south-easterly and easterly of a line commencing at a point in the said center line of said lot fifteen, four hundred feet south of the north line of said lot, running thence north-easterly parallel to the southerly line of La Fayette place, until the same intersects the low water mark; thence along the present low water mark of the shore of Lake Michigan to the north line of section fifteen, extended to the shore of Lake Michigan in the Eighteenth ward of the city of Milwaukee, are hereby granted in fee to the said city of Milwaukee, to be held and used by said city as a part of its system of public parks and boulevards; provided, that said land hereby granted shall not be leased or sold by said city of Milwaukee, nor used for any other purposes than as a public park and boulevard; and provided further, that at least part of said land hereby granted shall be filled in and improved, so as to be made a public park or boulevard within five years from the date of the passage and publication of this act.

To be used for park, etc.

Riparian rights not to be divested.

SECTION 2. Nothing in this act contained shall be construed to divert or otherwise affect the riparian rights and privileges of the several owners of the lots abutting on Lake Michigan. All such riparian rights and privileges shall remain vested in such upland owners subject only to the use of the land hereby granted to said city of Milwaukee for the purpose of its system of public parks and boulevards.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 484 A.] [Published April 22, 1893.

CHAPTER 207.

AN ACT to authorize James Meiklejohn and company, of New London, to erect and maintain a dam across Embarrass river, in the county of Shawano, Wisconsin.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

James Meiklejohn, et al, authorized to build dam, booms, etc.

SECTION 1. For the purpose of improving the navigation of the Embarrass river, James Meiklejohn and company, of New London, and their legal representatives and assigns, are hereby authorized to build, maintain, construct and operate a dam across said river at some point on the south half of the northwest quarter and the northwest quarter (fractional) of the northeast quarter of section number five, in township number twenty-six north, of range number thirteen east, in the county of Shawano, in the state of Wisconsin, and also to build, maintain and operate such booms and other improvements upon said river, at or near said dam, as may be necessary or convenient to aid in driving of logs down said river to the mouth thereof.

Gates, etc., to be maintained.

SECTION 2. The dam authorized by this act shall be constructed and maintained with suitable gates and sluices for the passage of logs over the same, and the management and control of the water collected therein in aid of the navigation of said Embarrass river, and the said dam, gates and sluices and all other improvements erected and maintained upon said river by said James Meiklejohn and company, their legal representatives and assigns, under the provisions of this act shall at all times be under the exclusive control of said James Meiklejohn and company, their legal representatives and assigns, and shall be so controlled and managed as in the judgment of said James Meiklejohn and company, and their legal representatives and assigns, will best subserve the interests of all parties engaged in driving logs in said river.

Tolls may be charged.

SECTION 3. As compensation for the improvement of said river, when said James Meiklejohn and company, their legal representatives and assigns, shall have erected and shall maintain said dam, or any of them herein authorized, said James Meiklejohn and company, their legal representatives and assigns, shall be entitled and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as a toll the sum of ten cents per thousand feet, board measure, on all logs or timber sluiced or driven through or by the aid of said dam, or by the aid of the waters collected therein; and said James Meiklejohn and company, their legal representatives or assigns, are hereby authorized and empowered to demand and receive the said toll before he or they shall be required to permit the use of the waters retained by the said dam herein authorized for the purpose of sluicing or driving any logs or timber on said river; and in case any logs or timber are sluiced or driven down said river through or below said dam without the toll thereon having first been paid, the said toll shall be and remain a lien upon such logs or timber and all logs or timber bearing the same mark until said toll is paid, which said lien shall take precedence of any and all other liens upon said logs and timber, except liens for labor; and the lien hereby given may be enforced in the same manner and with like effect as liens for labor upon logs as provided in chapter 143, of the Revised Statutes of 1878, and the several acts amendatory thereof, which said chapter and the several acts amendatory thereof are hereby made applicable hereto, except that the statement of the debt or demand therein required to be filed in the office of the clerk of circuit court may be filed at any time prior to the first day of October in the year in which the last sluicing or driving of such logs or timber shall have been done, and such statement shall be filed in the office of the lumber inspector of the Twelfth lumber district of the state of Wisconsin, instead of the office of the clerk of the circuit court, as required by said chapter 143, and acts amendatory thereto. The owner or owners of any logs or timber sluiced or driven down said river, through

Tolls to be lien.

Ch. 143, R. S. to apply except as to filing of statement.

Owner, etc., personally liable.

or below said dam, shall be personally liable for the toll thereon, and any person having a mortgage upon such logs at the time the same are sluiced or driven, who shall sell or take possession of any such logs, by virtue of any such mortgage, shall thereby become personally liable for the toll due thereon, and the said James Meiklejohn and company, their legal representatives and assigns, are hereby authorized to sue for and recover such tolls from the owner or holder of the mortgage aforesaid or the mortgagee.

Flowage rights.

SECTION 4. The said James Meiklejohn and company, their legal representatives or assigns, for the purpose of acquiring any flowage rights that they may deem necessary in carrying out the provisions of this act, may exercise all powers granted to corporations by section 1777, of the Revised Statutes of 1878, and the several acts of the legislature amendatory thereof.

SECTION 5. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 6. The right to alter, amend or repeal this act is hereby reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 494, A.] [Published April 22, 1893]

CHAPTER 208.

AN ACT to amend section 1384, of Sanborn and Berryman's Annotated Statutes, relating to the obstruction of drains.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1384, S. & B.'s Anno. Stats.

SECTION 1. Section 1384, of the Annotated Statutes of Wisconsin, is hereby amended by adding thereto, at the end thereof, the following:

Appeals to justice of the peace when supervisors refuse to act; proceedings.

And if the supervisors refuse or neglect to act upon the complaint mentioned in this section within fourteen days after such complaint shall have been made to them by any person feeling himself aggrieved, as provided by said section, or if for any reason said supervisors shall refuse to make the order mentioned in said preceeding section, then in either case the person making such complaint may, within fourteen days after such refusal, appeal to some justice of the peace of the county, and in case such drain, ditch or water course lies partly in adjoining towns in different counties, he may appeal to some justice of the peace in either county, from such failure to act or refusal to make such order, and such appeal shall be taken in the manner, and all proceedings thereupon, including the giving of bonds by the person appealing, shall be as prescribed by sections 1276, 1277, 1278, 1279 and 1280, of the Annotated Statutes of Wisconsin, so far as the same may be made applicable to ditches, drains and water courses. If upon such appeal the commissioners to be selected by said sections find that such ditch, drain or water course has, from any cause, become obstructed so that the natural flow of water along the same is prevented, they shall, under their hands, make the order prescribed in this section, and cause the same to be filed within ten days from the date thereof in the office of the town clerk of the town or towns in which such ditch, drain or water course lies. The supervisors of such town or towns shall, within five days after such filing, proceed to enforce such order in the same manner as if made under their hands and as prescribed by this section, and in case such supervisors fail to enforce such order, they may be compelled so to do by mandamus. In the event of the decision of the said commissioners being favorable to the appellant, the town or towns in which such ditch, drain or water course lies, shall pay all costs, and should the decision be adverse to appellant, then the costs shall be taxed against such appellant.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 532, A.] [Published April 22, 1893.

CHAPTER 209.

AN ACT to amend chapter 236, of the laws of 1889, authorizing George S. Biron and Laura Biron to build a dam across the Wisconsin river in Wood county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 236, laws of 1889. George S. Biron, et al, authorized to build dam.

SECTION 1. Section 1, of chapter 236, of the laws of 1889, is hereby amended so as to read as follows: Section 1. George S. Biron and Laura Biron, their heirs, associates and assigns, are hereby authorized and empowered to raise, build and maintain a certain dam across the Wisconsin river, on section thirty-four, in township twenty-three north, of range six east, in said Wood county, Wisconsin, at such points on the east and west banks of said river as they may deem advisable for the purpose of utilizing, working and operating a water mill or mills erected or to be erected, on or near the same and for the purpose of improving the navigation of said river; but the said dam shall not exceed thirteen feet in height, and shall be so constructed, maintained and operated as not to obstruct or impede the running of lumber, logs, timber and other floatage down said river, and shall be provided with a suitable slide therein, at least two feet below a general height of said dam, which slide shall be kept open, and in good condition of repair at all times when there are logs, lumber, timber or other floatage to run over said dam, and no charge shall be made for the use of said slide, which shall be constructed in conformity with the provisions of section 1601, of the Revised Statutes of this state, as amended by chapter 239, of the laws of 1881. And for the purposes aforesaid, the said George S. Biron and Laura Biron, their associates, heirs and assigns, are hereby authorized to overflow and set the water back upon, and hold it upon all such lands as shall be necessary for keeping up and maintaining such dam, and to acquire title to

How constructed.

Flowage rights; sec 1777, R. S., as ammended to apply.

such lands for such purposes by purchase, lease or condemnation; and in case said George S. Biron and Laura Biron, their heirs, associates and assigns are unable to agree with the owners of such lands so necessary for said purposes, for the purchase, lease or use thereof, and the right of flowage thereof, or as to the compensation to be made for taking or flooding any such lands, then they, the said George S. Biron and Laura Biron, their associates, heirs and assigns, may acquire the same by proceedings of condemnation, in the manner provided and set forth in section 1777, of the Revised Statutes of this state, as amended by chapter 318, of the laws of 1882, the provisions of which said section and chapter are hereby made applicable for the purpose of acquiring any such lands, for the purpose aforesaid, under this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 534, A.] [Published April 22, 1893.

CHAPTER 210.

AN ACT to authorize Bertrand G. Chandos and George E. Hoskinson, their associates and assigns, to build and maintain a dam across the Wisconsin river at Grand Rapids.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Bertrand G. Chandos, et al, authorized to build dam.

SECTION 1. Bertrand G. Chandos and George E. Hoskinson, their associates and assigns, are hereby authorized to build and maintain a dam across the Wisconsin river at Grand Rapids, at such place on said river as they may elect on lots four, seven, and eight, in section eight, in township twenty-two north, of range six east, in Wood county; provided, that said dam shall not exceed sixteen feet in height, and shall be so

constructed and maintained as not to obstruct the running of lumber, timber or logs down said river and over such dam, and that a slide shall be constructed and maintained in said dam at least two feet below the general height thereof, and not less than forty feet in width, and that the same be constructed in accordance with the laws of this state. How constructed.

SECTION 2. Said Bertrand G. Chandos and George E. Hoskinson, their associates and assigns, shall have the right to use the waters of said river, and the water power created by such dam, for propelling any kind of machinery that they now have, or may at any time hereafter erect, and to sell or lease the right to use said water and water power, or any part or portion thereof, to any person or persons whomsoever.

SECTION 3. The legislature reserves the right to alter, amend or repeal this act whenever in its judgment the public interests may require it.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 712, A.] [Published April 19, 1893.

CHAPTER 211.

AN ACT appropriating to O. L. Rosenkrans a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated to O. L. Rosenkrans, out of any moneys in the treasury not otherwise appropriated, the sum of five hundred and eighty-seven dollars and eighteen cents, to defray the expenses of his contest for the office of member of assembly for the Second assembly district of the county of Waukesha. Appropriation to O. L. Rosenkrans.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 713 A.] [Published April 19, 1893.

CHAPTER 212.

AN ACT appropriating to Peter G. Rademacher a sum of money therein named, to defray expenses of election contest.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Peter G. Rademacher.

SECTION 1. There is hereby appropriated to Peter G. Rademacher, out of any moneys in the treasury not otherwise appropriated, the sum of six hundred and seventy-four dollars and seventy-two cents, to defray the expenses of his contest for the office of member of assembly for the Tenth assembly district of the county of Milwaukee.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 536, A.] [Published April 22, 1893.

CHAPTER 213.

AN ACT to amend section 1, of chapter 38, of the private and local laws of 1872, entitled "An act to authorize Reuben C. Lyon to erect and maintain a dam across the Wisconsin river."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 38, private and local laws of 1872.

SECTION 1. Section 1, of chapter 38, of the private and local laws of 1872, entitled "An act to authorize Reuben C. Lyon to erect and maintain a dam across the Wisconsin river," is hereby amended by striking out the word "four," at the end of line seven in said section, and inserting in lieu thereof the word "ten," so that said section, as amended, shall read as follows: Section

Reuben C. Lyon, et al, authorized to build dam.

1. Reuben C. Lyon, his associates, heirs and assigns are hereby authorized and empowered to erect, keep up and maintain a dam across the main channel of the Wisconsin river, on section eight, town twenty two north, of range six east, between the place known as the "Grand Chute," and the place known as "Locker Rock," at or within ten rods below a point known as "Sunken Pier or Rock;" provided, that said dam across the main channel of said stream shall not exceed three feet in height, and shall be so constructed as not to obstruct or impede the running of lumber, timber or logs down said river and over such dam; and provided further, that a slide shall be constructed in said dam, at least one foot below the general height of said dam, and the Wisconsin River Improvement Company shall have the right to locate the said slide or chute in the dam, which shall be seventy-five feet wide, if the said company so desire it.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 657, A.] [Published April 22, 1893.

CHAPTER 214.

AN ACT concerning the annexation of territory by cities.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

City incorporated under special charter, may annex adjacent terr'tory.

SECTION 1. Territory lying adjacent to any city of the state of Wisconsin, which shall have been incorporated under special charter, may be annexed to the city to which the same is adjacent in the manner provided by chapter 4, of chapter 326, of the laws of the state of Wisconsin for the year 1889; provided, however, that the petition provided for by section 18, of said chapter 4, shall be sufficient for the purposes therein men-

tioned, if signed by one-half of the resident electors and by the owners of one half of the real estate within the limits of the territory proposed to be annexed.

SECTION 2. All acts or parts of acts conflicting with the provisions hereof are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 663, A.] [Published April 22, 1893.

CHAPTER 215.

AN ACT amendatory of section 534, of the Revised Statutes of the state of Wisconsin, as amended by section 3, chapter 297, laws of 1887, relating to the annual report of secretaries of school boards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 534 R. S. as amended.

SECTION 1. Section 534, of the Revised Statutes of the state of Wisconsin, as amended by section 3, chapter 297, laws of 1887, is hereby amended by striking out the word "June," where it appears in said section, and inserting in lieu thereof the word "March," and by striking out the word "July," and inserting in place thereof the word "April," so that said section when so amended shall read as follows: Section 534. (As amended by section 3, chapter 297, 1887.) It shall be the duty of the secretary, at least five days before the annual town meeting or election, each year, to make to the board of supervisors of the town a written statement, showing the receipts of money for school purposes from all sources, and the disbursements of the same, during the year ending on the last day of March preceding, in which statement shall be given under separate heads:

Secretary of school board to make annual statement of money received and disbursed.

1. The amount in the treasury at the beginning of the year.
2. Amount received from the state fund.
3. Amount collected by town treasurer.
4. Amount received from all other sources.
5. The manner in which such sums have been expended, specifying the amount paid under each head of expenditure.
6. Amount remaining in the treasury.
7. Amount of indebtedness of the township district, and when and how payable.

The secretary shall accompany the above statement with estimates of the board of the amount necessary for the support of the schools during the year beginning on the first day of April next following, specifying the sums needed under the following heads:

1. Amount for teachers wages.
2. Amount for schoolhouse sites, and for building, hiring or purchasing schoolhouses.
3. Amount for fuel.
4. Amount for incidental expenses, including repairs, maps, globes, charts, and for all needful schoolroom appurtenances.
5. An amount not to exceed one hundred dollars to purchase library books.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 691, A.] [Published April 21, 1893.

CHAPTER 216.

AN ACT to appropriate to Theodore Prochnow a sum of money for expenses incurred by him in contesting his right to the seat of member of assembly for the Tenth district in Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Theodore Prochnow.

SECTION 1. There is hereby appropriated to Theodore Prochnow out of any moneys in the treasury not otherwise appropriated, the sum of nine hundred and fifty-four dollars and fifty cents, in full for expenses incurred by him in contesting for the seat of member of the assembly for the Tenth district in Milwaukee county.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 728, A.] [Published April 22, 1893.

CHAPTER 217.

AN ACT to appropriate to George H. Wunderlich a sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to George H. Wunderlich.

SECTION 1. There is hereby appropriated to George H. Wunderlich, out of any moneys in the treasury not otherwise appropriated, the sum of seven hundred and forty-nine dollars and fifty-one cents, in full for expenses incurred by him in contesting for the office of member of assem-

bly from the district composed of Langlade, Forest and Florence counties.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 746, A.] [Published April 22, 1893.

CHAPTER 218.

AN ACT to amend sections 1093, 1129 and 1165, of the Revised Statutes, relating to the collection of taxes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1093, R. S.

Duty of town treasurer.

SECTION 1. Section 1093, of the Revised Statutes of 1878, is hereby amended by adding at the end of said section the following, to-wit: Provided, that when an application is made to the town treasurer for the payment of the taxes upon any part or portion of any lot or parcel of land assessed as a whole, but which is owned in severalty, the town treasurer, before making a receipt for the taxes upon any part or portion thereof, is authorized to ascertain on affidavits, or by actual view, the true proportion of taxes chargeable to the part or portion sought to be paid on, and the amount so found shall be deemed to be the amount of the taxes chargeable thereto.

Amends sec. 1129, R. S.

Duty of county treasurer.

SECTION 2. Section 1129, of the Revised Statutes of 1878, is hereby amended by adding at the end thereof the following, to-wit: Provided, that when an application is made to the county treasurer for the payment of the taxes upon any part or portion of any lot or parcel of land, assessed as a whole, but which is owned in severalty, the county treasurer, before making a receipt for the taxes upon such part or portion thereof, is authorized to ascertain, by affidavits or by actual

view, the true proportion of taxes chargeable to the part or portion sought to be paid on, and the amount so found shall be deemed to be the amount of taxes chargeable thereto.

Amends sec. 1165 R., S., as amended.

SECTION 3. Section 1165, of the Revised Statutes of 1878, as amended by chapter 415, of the laws of 1889, is hereby amended, by adding at the end thereof the following, to-wit: Provided, that when an application is made to the county clerk to redeem from any tax sale, any part or portion of any lot or parcel of land, which was sold for taxes as a whole, but which is owned in severalty, the county clerk, before making a receipt for the redemption of such part or portion thereof, is authorized to ascertain, by affidavits or by actual view, the true proportion of taxes chargeable to the part or portion sought to be redeemed, and the amount so found shall be deemed to be the amount required for the redemption thereof.

Duty of county clerk.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 4, A.] [Published April 22, 1893.

CHAPTER 219.

AN ACT to protect trade and commerce against unlawful trusts and monopolies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Contract, etc., in restraint of trade, illegal.

SECTION 1. Every contract or combination, in the nature of a trust or conspiracy in restraint of trade or commerce, is hereby declared illegal.

Monopoly, etc., of trade, forbidden.

SECTION 2. Every person who shall monopolize, or attempt to monopolize, or combine, or conspire with any other person or persons to monopolize any part of the trade or commerce in this state, shall be deemed guilty of violating the provisions of this act, and upon conviction

thereof shall forfeit for each such violation not less than fifty dollars, nor more than three thousand dollars, together with the costs of prosecuting such forfeiture; such forfeiture and costs to be collected as is now provided by statute for the collection of forfeitures. Forfeiture

SECTION 3. Jurisdiction is hereby conferred on the several circuit courts of this state to prevent and restrain, by injunction or otherwise, any violations of the provisions of this act; and it shall be the duty of the several district attorneys of the several counties in this state, upon the advice of the attorney general, who may appear as counsel in such case, to institute such actions or proceedings as the attorney general may or shall deem necessary to prevent or restrain any violation of this act. Such proceedings shall be by way of information or complaint, as in ordinary actions, setting forth the case and grounds for the interference of the court, and praying that such violations, whether continuing or intended, shall be enjoined or otherwise prohibited. When the parties complained of or informed against shall have been duly notified of and cited to answer such information or complaint, the court shall proceed as soon as may be, in accordance with its rules and practice, to the hearing and determination of the case; and pending such information or complaint, and before final judgment, the court may at any time, upon proper notice, make such temporary restraining order, injunction or prohibition as shall be just in the premises. Jurisdiction; duty of district attorneys; proceedings.

SECTION 4. Whenever it shall appear to the court before which any examination under section 3, of this act, may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned in such manner as the court shall direct. New parties may be summoned.

SECTION 5. Any person transacting or doing business within this state, who shall be injured in his business or property by any other person or corporation, by reason of anything forbidden or declared to be unlawful by this act, may recover the damages by him sustained, and costs of the suit. Damages may be recovered.

Examination of party, etc., other than as a witness, how may be taken by deposition.

SECTION 6. The examination of any party, or in case a corporation be the party, the examination of the president, secretary or other proper officer or general managing agent of such corporation, or any person acting for another or acting for such corporation or partnership, otherwise than as a witness on a trial, may be taken by deposition at the instance of the state of Wisconsin, in any action or proceeding under this act, at any time after the commencement thereof and before final judgment. Such deposition shall be taken before a judge at chambers on a previous notice to such party and any other adverse party, or their respective attorneys, of at least five days, or it may be taken without the state, upon commission, in the manner provided for taking other depositions. The attendance of the party to be examined may be compelled upon subpœna, without payment of witness fees, and such examination shall be subject to the same rules as that of any other witness; but he shall not be compelled to disclose anything not relevant to the controversy. If such examination shall be taken before issue joined, the notice of taking the same shall be accompanied by the affidavit of the district attorney, the attorney general, or some other party, stating the general nature and object of the action, that discovery is sought to enable the party to plead the points upon which such discovery is desired, and such examination shall be limited to discovery of the facts relevant to the points so stated, unless the court, or the presiding judge thereof, on motion and one day's notice, shall, before the examination is begun, by order further limit the subjects to which such examination shall extend; but such examination shall not preclude the right to another examination after issue joined upon all the issues in the cause, and the party examining shall in all cases be allowed to examine upon all interrogatories. Such examination shall not be compelled in any other county than that in which the party to be examined resides; provided, that whenever plaintiff or defendant is a non-resident of the state, his disposition may be taken, under the provisions of this section, in the county in which

the action is pending, if he can be personally served with notice and subpœna in such county. In any examination under the provisions of this section, the judge or commissioner before whom the same is had, shall have power and authority to compel the party examined to answer all questions relevant to the issues involved, and shall upon the application of the attorney general compel the production by the party examined of all books, papers and records relevant and pertinent to the issues, and may enforce such orders, and the production of such books, papers and records, by contempt proceedings.

Refusal to testify, how punished.

SECTION 7. If any defendant, or his agent, lawfully required to appear and testify, as provided in this act, either within or without the state, shall neglect or refuse to do so, he may be punished as for contempt, and the pleading of such defendant may, in the discretion of the court, be stricken out, and judgment given against him according to the prayer of the complaint of the state.

Construction of terms.

SECTION 8. The word "person" or "persons," wherever used in this act, shall be deemed to include corporations, partnerships, individuals and associations existing under or authorized by the laws of the United States, the laws of any of the territories, the laws of this or any other state, or the laws of any foreign country.

Labor unions, etc., not to be affected.

SECTION 9. This act shall not be construed to affect, or in any manner refer to or interfere with labor unions, or any other associations of laborers organized for the purpose of promoting the welfare of labor, nor shall it interfere with or suppress associations or organizations intended to legitimately promote the interests of trade, commerce or manufacturing in this state.

SECTION 10. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 180, A.] [Published April 22, 1893

CHAPTER 220.

AN ACT to define the liability of railroad companies in relation to damages sustained by their employes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Railway companies, when liable for damages sustained by employe.

SECTION 1. Every railroad or railway company operating any railroad or railway, the line of which shall be in whole or in part within this state, shall be liable for all damages sustained within this state by any employe of such company, without contributory negligence on his part; first, when such injury is caused by any

Defect in locomotive, etc.

defect in any locomotive, engine, car, rail, track, machinery or appliance required by said company to be used by its employes in and about the business of such employment, when such defect could have been discovered by such company by reasonable and proper care, tests or inspection, and proof of such defect shall be presumptive evidence of knowledge thereof

Negligence of co-employe.

on the part of such company; second, or while any such employe is so engaged in operating, running, riding upon or switching, passenger or freight or other trains, engines or cars, and while engaged in the performance of his duty as such employe, and which such injury shall have been caused by the carelessness or negligence of any other employe, officer or agent of such company in the discharge of, or for failure to discharge his duties as such.

Repeals ch. 438, laws of 1889.

SECTION 2. Chapter 438, of the laws of 1889, is hereby repealed.

SECTION 3. No action or cause of action now existing shall be affected by this act.

Contract, etc., not to affect liability.

SECTION 4. No contract, receipt, rule or regulation between any employe and a railroad company, shall exempt such corporation from the full liability imposed by this act.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 764, A.] [Published April 26, 1893.

CHAPTER 221.

AN ACT to authorize the parties therein named to construct and maintain a dam across Clam river in township 37 north, of range 14 west.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

John Arbuckle et al. authorized to build dam, booms, etc.

SECTION 1. For the purpose of improving the navigation of Clam river, in the county of Burnett, state of Wisconsin, John Arbuckle, his heirs, assigns or associates, are hereby authorized to build, maintain and operate a certain dam or dams across Clam river in said county and state aforesaid, at such a point or points as he or they may select in the section, township and range hereinafter described, viz.: at such a point as he or they may select in the southeast quarter of the northeast quarter of section five, township thirty-seven north, of range fourteen west; and also to build and maintain such booms and other improvements upon the said Clam river in connection with said dam as may be necessary to facilitate the driving of logs down said Clam river, and the sluicing of the same through the dam; provided, said John Arbuckle shall be the owner of the land upon which the erection of said dam is hereby authorized, or shall acquire title thereto within one year from the date of the passage of this act.

How constructed.

SECTION 2. The dam, authorized by this act, shall be constructed and maintained with suitable gates and sluices for the passage of logs over the same, and the management and control of the said water collected therein, in the aid of the navigation of the said river, and said dam, together with its gates and sluices, and all other improvements erected and maintained upon said river by said John Arbuckle, his heirs, associates or assigns, under the provisions of this act, shall at all times be under the exclusive control of said John Arbuckle, his heirs, associates or assigns, and be so controlled and managed, as in the judgment of the said John Arbuckle, his

heirs, associates or assigns, shall be subservient of the best interests of the parties engaged in driving logs down said river.

Tolls may be charged.

SECTION 3. As compensation for the improvements made upon said Clam river, when said John Arbuckle, his heirs, associates or assigns, shall have erected and maintained said dam across said Clam river, in the section, township and range aforesaid, the said John Arbuckle, his heirs, associates or assigns, shall be entitled to, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as toll, the sum of eight cents per thousand feet, board measure, on all logs or timber sluiced or driven through said dam, and when such logs or timber shall be sluiced or driven through said dam, then the said John Arbuckle, his heirs, associates or assigns, shall be entitled to, and they are hereby authorized and empowered to demand, receive, levy, sue for and collect as toll, the sum of eight cents per thousand feet, board measure, and the said John Arbuckle, his heirs, associates or assigns, are hereby authorized and empowered to demand and receive said tolls before they shall be required to permit the use of the water retained by said dam for the purpose of sluicing or driving any logs or timber down said river; and in case any logs or timber are sluiced or driven down said river, through said dam, without the consent of the said John Arbuckle, his heirs, associates or assigns, or otherwise, without the toll thereon being first paid,

Tolls to be lien.

the said toll shall be and remain a lien on all logs or timber bearing the same mark, until the said toll is paid, which said toll shall have precedence of any and all liens or claims upon logs or timber, except liens for labor, and the said lien thereby given shall be enforced in the same manner and with like effect as liens for labor upon logs as provided in chapter 103, of the Revised Statutes of 1878, and in the several acts of the legislature amendatory thereto, which said chapter, and the several acts amendatory thereto, are hereby made applicable hereunto, except that the statement or the demand therein required may be filed at any time prior to the first day of October, in the year in which the sluicing or driving of the said logs or timber through

the said dam shall have been done, or permitted. The owner or owners of any logs or timber, sluiced or driven through said dam, shall be liable for toll thereof, and any person having a mortgage upon said logs at any time the same are so sluiced or driven, who shall afterwards sell or take possession of said logs, by virtue of said mortgage, shall thereby become liable for the toll due thereon, and the said John Arbuckle, his heirs, associates or assigns, are hereby authorized to sue for and receive and recover the same from said mortgagee. Owner, etc., personally liable.

SECTION 4. Said John Arbuckle, his heirs, associates or assigns, for the purpose of acquiring any flowage rights that may be deemed necessary in carrying out the provisions of this act, may exercise all the powers granted to corporations by section 1777, of the Revised Statutes of 1878, and the several acts of the legislature amendatory thereto, and all the provisions of said chapter 146, mentioned therein, are hereby made applicable hereunto. Flowage rights.

SECTION 5. Any acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 6. The right to alter, amend or repeal this act is hereby reserved.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 767 A.] [Published April 26, 1893.

CHAPTER 222.

AN ACT to authorize the commissioners of public lands to invest a portion of the trust funds of the state in the bonds of school district number Two, of the city of Appleton.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Commissioners may loan trust funds.

SECTION 1 The commissioners of the public lands are hereby authorized to loan and invest a portion of the trust funds of this state, not exceeding in the aggregate the sum of twenty-five thousand dollars, in the bonds of school district number Two, of the city of Appleton, in the county of Outagamie; provided, that said school district shall not, during the period for which said bonds, or any part of them, shall remain unpaid, become indebted or contract debts for a greater amount, including debts heretofore contracted as well as that herein referred to, than five per cent. of the average taxable property, as the same shall appear from the last two assessment rolls.

School board to make application for loan.

SECTION 2. Before said school district shall contract for said loan, and before any of the funds shall be delivered to said school district in exchange for said bonds, the school board of said school district shall file its application for said loan with the secretary of state, and also file its acceptance of the provisions of this act, and of the terms and limitations herein provided.

Interest.

SECTION 3. Said indebtedness and the bonds therefor shall bear interest at the rate of not less than four per cent. *per annum*, and said interest shall be paid annually, together with not less than one-tenth of the principal sum, till the whole is paid.

Interest and one-tenth of principal to be added to state tax.

SECTION 4. Each and every year until the whole loan be paid, the secretary of state shall, when he apportions the state taxes among the several counties, add to the state tax which would be properly chargeable to said county of Outagamie, the annual interest due the state on

said loan, together with one tenth of the principal sum so loaned, and the same shall be levied and collected out of the taxable property of said school district number Two, in said city of Appleton, in the county of Outagamie, and paid over to the county treasurer of said county of Outagamie, and by him to the state treasurer in the same manner as other taxes are collected and paid.

SECTION 5. The taxable property of said school district shall stand charged for the payment of said debt and interest, and the several officers shall perform their duties to carry out the provisions of this act, and said officers shall be punished for neglect or refusal to perform such duties, as the same are provided in sections 5, 6 and 7, of the laws of 1881, and acts of the legislature amendatory thereto. Debt or charge upon taxable property.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893,

No. 770, A.] [Published April 26, 1893.

CHAPTER 223.

AN ACT to authorize the county of Marathon to build and maintain a county insane asylum and to issue bonds and levy taxes therefor, and to legalize certain acts of the county board of said county relating thereto.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The county of Marathon is hereby authorized and fully empowered to purchase a site, construct a proper building, and maintain therein an asylum or hospital for the insane, to issue the bonds of the county to an amount not exceeding eighty thousand dollars, and to provide for the payment thereof by the levy of taxes County of Marathon may build county insane asylum.

therefor. And for the purpose of carrying out the object of this act, the proceedings of the board of supervisors of the said county of Marathon, pertaining to the subject herein referred to on the twenty-first day of March, A. D. 1893, shall be and the same are hereby legalized and fully satisfied in all respects, for the uses and purposes therein set forth and as fully sufficient in law therefor.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 30, A.] [Published April 26, 1893.

CHAPTER 224.

AN ACT to authorize the division of certain cities into sewer districts, and to provide means for perfecting the sewer systems therein by special taxation and by the issue of corporate bonds of such cities.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Common council may divide city into sewer districts.

SECTION 1. The common council of any city operating under a special charter granted by the legislature of this state, and authorized by such charter to construct sewers, is hereby empowered to divide such city into sewer districts, and to levy a special tax of not more than one mill and a half of a mill on the dollar of the assessed value of the taxable property in any such sewer district, if in the opinion of such common council such special tax shall be needed for the extension or improvement of the sewer system for such district.

Corporate bonds, when may be issued.

SECTION 2. If in the opinion of such common council any such sewer district shall require an extraordinary outlay of money for the construction of outlets or pumping stations to perfect its sewer system, such common council is hereby

authorized to provide by ordinance for issuing corporate bonds of such city payable within twenty years from the time of their issue in lawful money of the United States, bearing interest at a rate not exceeding five per cent. *per annum.*

Form of bonds.

SECTION 3. The bonds authorized to be issued under the provisions of this act shall be executed in the manner prescribed by the charter of the city issuing the same, or if no provision for the execution of the same is contained in the charter of such city, then in the manner which may be prescribed by ordinance or resolution of the common council thereof. Such bonds shall be called sewer bonds and shall be consecutively numbered, and shall have interest coupons attached, and shall show on their face the district for the benefit of which they are issued.

Direct tax, what to be levied.

SECTION 4. There shall be annually levied a direct tax upon all taxable property in the district for the benefit of which any sewer bonds are issued, to pay the annual interest thereon, and to raise a sinking fund each year of five per cent. on the principal of such bonds remaining unpaid and outstanding, for the payment of such principal as the same may become due.

Limit of indebtedness.

SECTION 5. No bonds shall be issued under the provisions of this act in excess of the limit fixed for indebtedness by the charter of the city issuing the same, or by the constitution of this state.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 68, A.] [Published April 26, 1893.

CHAPTER 225.

AN ACT relating to salaries of county officers, and amendatory of section 694, of the Revised Statutes, as amended by chapter 180, laws of 1883, and chapter 260, laws of 1885.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 649, R. S., as amended.

SECTION 1. Section 694, of the Revised Statutes, as amended by chapter 180, laws of 1883, and chapter 260, laws of 1885, is hereby amended by striking out the words "quarter-yearly at the end of each quarter," where they appear in said section, and inserting in lieu thereof the words "monthly at the end of each month," so that said section when so amended shall read as follows: Section 694. The county board at their annual meeting in November, shall fix the amount of salary which shall be received by every county officer, including county judge, who is to be elected in the county during the ensuing year, and is entitled to receive a salary payable out of the county treasury, and the salary so fixed shall not be increased or diminished during his term of office. All salaries shall be paid out of the county treasury monthly, at the end of each month. All salaries, the amounts whereof have heretofore been declared and fixed by the county board at any time, or heretofore established by law, shall be and remain the salaries of such officers until the county board shall fix the amounts thereof in accordance with the provisions of this section, and when such amount is once fixed by the county board, it shall be and remain as the salary of such officer, until changed as herein provided; provided, however, that where any new county shall have been or shall be erected, and officers thereof appointed, the county board of such counties shall have power at any regular meeting of such board, during the term of office of such officers so appointed, to declare and fix the amount of annual compensation that

Salaries of county officers, county board to fix.

When paid.

such officer shall receive. All actions of the county boards of this state, heretofore had upon this subject, consistent with this act, are hereby legalized and made valid.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 86, A.] [Published April 26, 1893.

CHAPTER 226.

AN ACT to authorize the towns of Milwaukee, Granville, Mequon and Cedarburg to purchase the Milwaukee and Cedarburg plank road.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

May purchase Milwaukee and Cedarburg plank road.

SECTION 1. The towns of Milwaukee and Granville, in Milwaukee county, and the towns of Cedarburg and Mequon, in Ozaukee county, are hereby authorized and they shall have the right, at any time within five years after the passage and publication of this act, to purchase, jointly or severally, the plank road, belonging to the Milwaukee and Cedarburg Plank Road company, by paying to said company such sum as the town boards of said towns and the said company may agree upon as the purchase price to be paid therefor, which agreement shall be in writing, and when duly executed shall be valid and binding upon all of the parties thereto, and upon the payment by said towns to said company of such sum as may be agreed upon as the purchase price to be paid therefor, the said plank road shall become a free public highway, but the franchises heretofore granted to said company shall continue until said towns shall purchase and pay for said road. In case the town boards of supervisors of said towns cannot agree with the plank road company upon the terms of purchase of said plank road, then said towns may unite in prose-

Condemnation proceedings.

cuting condemnation proceedings for taking the same in the manner provided in section 11, of chapter 307, of the laws of 1889, and all the provisions of that act, and all acts and laws amendatory thereof, shall be applicable thereto.

Tax may be levied.

SECTION 2. For the purpose of purchasing such plank road, each of said towns is hereby authorized to levy a tax therefor, in addition to the amount now authorized to be raised by law, equal to one-fourth of the purchase price of said plank road, which tax shall be levied and collected at the same time, and in the same manner, as other town taxes are levied and collected.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 112 A.] [Published April 26, 1893.

CHAPTER 227.

AN ACT to amend section 1931, of Sanborn and Berryman's Annotated Statutes, and the several acts amendatory thereof, relating to town fire insurance companies.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1931, S. & B.'s Anno. Stats.

SECTION 1. Section 1931, of Sanborn and Berryman's Annotated Statutes, is hereby amended by striking out the word "fifteen," where it occurs in the last line of said section, and inserting in lieu thereof the word "twenty-five," so that said section, when amended, shall read as follows, namely: Section 1931. No such corporation shall insure any property out of the town or towns in which such corporation is located; provided that any such corporation at its annual meeting may, by a majority vote of the members present, authorize its directors to insure any farm property, or detached dwelling house and contents, in any adjoin-

Risks of town fire insurance companies.

ing town or towns, or in any incorporated city or village, which is located in any adjoining town in which such town insurance corporation is located; provided, such farm property or dwelling or contents shall be detached at least one hundred feet from exposure. No such corporation shall insure any property other than detached dwellings and their contents, farm buildings and their contents, live stock in possession or running at large, farm products on premises, and farming implements. But such corporation at its annual meeting may, by a majority of all votes cast by its members, authorize its directors to insure country stores and their contents, schoolhouses, town society halls, churches, country hotels and water mills, cheese factories and creameries, but such risks shall not exceed twenty-five hundred dollars in any one case.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 189, A.] Published April 26, 1893.]

CHAPTER 228.

AN ACT to regulate the branding of cheese.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Cheese not to be falsely branded.

SECTION 1. No person shall offer for sale, sell, ship or consign cheese labeled with a false brand or label, as to the quality of the article.

SECTION 2. The state dairy and food commissioner is hereby authorized and directed to issue to the cheese manufactories of the state, upon proper application therefor and under such regulations as to the custody and use thereof as he may prescribe, a uniform stencil or brand, bearing a suitable device or motto and the words "Wisconsin Full Cream Cheese."

Brand, how used.

SECTION 3. Every brand issued shall be used upon the side of the cheese on the bandage thereof, also upon the package containing the same, and shall bear a different number for each separate manufactory, and the commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the said brand, and the name or names of the persons at each manufactory, authorized to use the same.

SECTION 4. It shall be unlawful to use or permit such brand to be used upon any other than full cream cheese, or package containing the same.

Skimmed cheese, what to be deemed; branding of.

SECTION 5. Every person who shall, at any cheese factory in the state, manufacture skimmed cheese, shall distinctly and durably stamp upon each and ever such cheese, and upon the box, the words "Wisconsin Skimmed Cheese." All cheese not manufactured as in sections 1, 2, 3 and 4, of this act, shall be deemed to be skimmed cheese under the provisions of this act. The brand herein provided by this section of this act, for designating the grade and quality of cheese provided by this section, shall be such as to produce an impression not less than three inches in width and five inches in length, and shall be in full-faced capital letters of as large size as the space hereby provided for will permit, and the whole to be included within a plain heavy border. Ordinary stamping ink, either red, green or violet in color, and of such composition as not to be easily removed or wholly obliterated by moisture, shall be used in stamping as provided for by this section.

Violation of act a misdemeanor.

SECTION 6. Whoever violates the provisions of this act shall be deemed guilty of a misdemeanor and for each and every package so falsely branded or omitted to be branded as herein provided, shall be punished by a fine of not less than twenty-five, nor more that fifty dollars, one-half of which shall be paid to the person or persons furnishing the evidence upon which such conviction is made.

SECTION 7. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 217, A.] [Published April 26, 1893.

CHAPTER 229.

AN ACT to amend chapter 287, laws of 1885, as amended by chapter 389, laws of 1891, relating to the distribution of the state school tax.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Amends ch. 287, laws of 1885 as amended.

SECTION 1. Chapter 287, of the laws of 1885, as amended by chapter 389, of the laws of 1891, is hereby amended by striking out all of said chapter, except the first sentence of section 1, so that, when so amended, section 1, of said chapter, shall read as follows: Section 1. There shall be levied and collected annually a state tax of one mill for each dollar of the assessed valuation of the taxable property of the state, which amount, when so levied and collected, is appropriated to the common school fund income, and shall be disbursed in the same manner and under the same conditions and restrictions required by law for the disbursement of the common school fund income.

State tax for school fund income.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 449, A.] [Published April 26, 1893.

CHAPTER 230.

AN ACT to authorize persons and corporations engaged in manufacturing to indemnify each other for losses by fire to their manufacturing plants and the products thereof on the Lloyds principle.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Persons, etc., engaged in manufacturing, how may indemnify each other.

SECTION 1. Authority is hereby given to persons and corporations, either wholly residents of Wisconsin, or partly residents of Wisconsin and partly of adjoining states, to make and enter into agreements between themselves to indemnify each other for any losses arising from fire to their manufacturing plants or to the unsold products thereof, on such terms, in such manner, and in such proportions and in such amounts, and during such terms of time, as may be agreed upon between them in writing; and for the purpose of the convenient transaction of such business, and the speedy payment of such losses, they may appoint an agent or attorney to act for them, or each of them, in the said matters, and may pay in and accumulate a fund for the payment of such losses and of the expenses of the business.

Service of process.

SECTION 2. Before transacting any such business, they shall appoint an agent or attorney resident of Wisconsin, on whom all process or papers concerning the said business or growing out of the same, may be served, and such service shall be deemed equivalent to personal service on all such persons and corporations; such appointment shall be in writing, and be filed with the insurance commissioner of this state.

Office, where located.

SECTION 3. Such persons and corporations shall, at all times, publicly maintain an office in some city of over ten thousand inhabitants, in the state of Wisconsin, and all such business shall be transacted at such office, and each of the said persons and corporations so making or signing such contracts of indemnity, by themselves or

their agents, shall be severally, but not jointly, liable thereon for their proportionate amount of the said indemnity as in such contract stated, and shall not be liable otherwise or for any greater sum. Liability of parties.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 367, A.] [Published April 26, 1893.

CHAPTER 231.

AN ACT to provide for printing an additional number of the reports of the state board of health.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The secretary of state shall cause to be printed six thousand copies of each of the biennial reports of the state board of health, in addition to the number now required by law, beginning with the report for the biennial period ending September 30, 1892. Five hundred copies of each of said reports shall be bound singly in cloth; all others singly in paper. Additional reports of state board of health.

SECTION 2. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 473 A.] [Published April 26, 1893.

CHAPTER 232.

AN ACT to amend chapter 41, Revised Statutes of Wisconsin for 1878, entitled "General provisions relating to municipalities, and the several acts amendatory thereof, and pertaining to public health in cities of one hundred and fifty thousand inhabitants or more."

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Registrar of vital statistics.

SECTION 1. The commissioner of health in cities of one hundred thousand or more, is hereby authorized and instructed to appoint a registrar of vital statistics for any such city for a like term as that of such commissioner of health, whose salary shall be fixed by the common council of such city, and paid as other city officials are paid.

Officer; duties.

SECTION 2. The registrar's office shall be located with the office of the health department, and shall be subject to such rules as the commissioner of health shall prescribe, and all deaths reported to the health office shall be arranged by dates, and indexed in alphabetical order and recorded, after being numbered, commencing with number one at the begining of each month, and all births reported to the registrar, as hereinafter provided for, shall also be kept in like manner as is required in the recording of deaths, including indexing the same.

Reports of births, record to be given register of deeds weekly.

SECTION. 3. For the purpose of simplifying the work of physicians and other professional persons in recording births and deaths, and at the same time enabling them to collect the fee provided in section 1, of chapter 287, entitled "An act to provide for the payment of fees for the recording of births and deaths", approved March 30th, 1882, it is hereby enacted that it shall be the duty of the registrar of vital statistics to transmit every week all reports of births received for record from physicians and other professional persons to the register of deeds of any county in which such city may be located, taking his receipt therefor, and the delivery of

such reports to the registrar of vital statistics, with the receipt of the register of deeds, for the same, shall be sufficient evidence of compliance with the provisions of said chapter 287, laws of 1882, and of sections 1023 and 1024, of the Revised Statutes of Wisconsin, and chapter 264, laws of 1885.

Certificates of birth, record to be made.

SECTION 4. Before the delivery of said certificates of births, the registrar of vital statistics is hereby required to make correct entries in a book in the form prescribed in a succeeding section, giving each certificate a number commencing with number one and continuing through the year, said number to correspond with those on the record books.

Birth of child to be reported.

SECTION 5. It shall be the duty of the person attending the birth of any child in any such city, or in case of non-attendance by a physician or midwife, the father of the child, to report on blanks to be furnished free, personally, at the office of the registrar of vital statistics, and to be filled out by him as hereinafter provided, corresponding to those furnished by the secretary of state, all the facts concerning said birth, and particularly the name of child, color, sex, name of father and his occupation, name of mother previous to marriage, date and place of birth, number of street, place of nativity of father and mother, within six days after the birth of a child which was born alive. Any person failing to so report the birth of any child in any such city, shall be considered guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding fifty dollars for each and every offense, or by confinement in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment, at the discretion of the court; provided however, that this section shall not apply to the record of still births, which are to be reported as deaths only.

Failure to report a misdemeanor.

Record book of births.

SECTION 6. The birth shall be recorded in a book in a similar manner to the death record kept at the health office, and a dating stamp shall be provided with the words, "Registrar of vital statistics of" (naming the city), and the registrar shall make an impression of such stamp on every certificate of birth upon receipt of the same.

SECTION 7. All other acts inconsistent with the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 540, A.] [Published April 26, 1893.

CHAPTER 233.

AN ACT to prevent fraud on life insurance companies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

To effect policy of insurance with intent of absconding, etc., a felony.

SECTION 1. Any person who shall effect a policy or certificate of insurance, or procure the same or either of the same, to be effected on his life, with the intent of absconding, or concealing himself, for the purpose of procuring for himself, or any other person, the whole or any part of the sum or sums of money named in such policy or certificate of insurance; or any person having a policy or certificate of insurance upon his life, who shall abscond, or conceal himself with the intent to procure for himself, or any other person, the sum or sums of money named in such policy or certificte of insurance, in whole or in part; or any person who shall knowingly aid, assist or abet in any manner another, whose life is insured, in absconding, or concealing himself, for the purpose of procuring for himself, or any other person, any insurance moneys; or any person who shall knowingly aid, assist or abet in any manner the assured named in any policy or certificate, who has absconded or concealed himself for the purpose of obtaining from any insurance company any insurance moneys for himself or any other person, or any person who shall knowingly aid, assist or abet in any manner the beneficiary or beneficiaries, or either or any of them, named in any policy or cer-

tificate of insurance, or the next of kin, or any person having an insurable interest in the life of any assured, who has absconded or concealed himself for the purpose of obtaining any insurance moneys for himself or any other person, in attempting to procure or procuring such moneys, shall be deemed guilty of a felony, and upon conviction therefor before any court of competent jurisdiction shall be fined not less than five hundred dollars, nor more than three thousand dollars, or imprisoned in the state prison not less than one year, nor more than five years.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 772, A.] [Published April 26, 1893.

CHAPTER 234.

AN ACT making a portion of the town of Madison a part of the city of Madison, for school purposes.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Attaches territory for school purposes.

SECTION 1. All that part of section twenty-two, contained within the limits of the town of Madison, is hereby made a part of the city of Madison, for school purposes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No 759, A.] [Published April 28, 1893.

CHAPTER 235.

AN ACT to prevent the multiplicity of suits against insurance companies, and permitting the insured to consolidate his claims, upon more than one policy of insurance or award, in one suit.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Insurance companies may be joined as defendants.

SECTION 1. Should the insured bring suit upon any policy or policies of insurance, he can join, as parties defendant, any or all the insurance companies interested in the loss, and any and all the issues shall be tried at once by one jury which shall assess, at the same trial, the amount due and payable upon each such policy. It shall also be the duty of the court, in its discretion, to direct the jury to return successive verdicts, so that all questions involved may be disposed of at one trial, and said court may charge the jury upon one issue or issues, and take the verdict, and then again charge the jury upon other questions or issues, and thus take and receive as many verdicts as it may, in its descretion, deem best or necessary for the final determination of all the issues. Upon such trial, a separate judgment shall be entered as against each insurance company, for the amount of the verdict which may be rendered against such insurance company, together with its proportion of the costs in such suit, and such costs shall include, in each judgment, all necessary disbursements, and an attorney's fee of twenty dollars.

Separate judgments to be entered.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893

No. 25, S.] [Published April 28, 1893.

CHAPTER 236.

AN ACT to amend chapter 196, of the laws of 1882, relating to telephone companies, and to regulate the use and rental of telephones in this state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1, of chapter 196, of the laws of 1882, is hereby amended by adding thereto, in the eighteenth and nineteenth lines of said section, after the words "including all telegraph companies," the words "or other telephone companies," and by striking out the word "obscure" in the twenty-eighth line of said section 1, and inserting in place thereof the word "obscene;" so that said section, when amended, shall read as follows: Section 1. It shall be the duty of every telephone company, or person, firm or corporation engaged in the business of leasing telephones to the public or supplying the public with telephones and telephonic service, or operating a telephone exchange, to receive and transmit, without discrimination, messages from and for any other company, person or persons upon tender of payment of the usual or customary charges therefor; and upon payment or tender of the usual or customary charges therefor, or usual or customary rental sum, it shall be the duty of every telephone company, or person, firm or corporation engaged in the business of leasing telephones to the public, or supplying the public with telephones and telephonic service, or operating a telephone exchange, to furnish, without unreasonable delay, without discrimination, and without any further or additional charge to the person, firm or corporation applying for the same, including all telegraph companies or other telephone companies, a telephone or telephones, with all the proper or necessary fixtures, as well as connection with the central office or telephone exchange, if desired, and shall connect the tele-

Amends sec. 1, ch. 196, laws of 1882.

Rental and use of telephones.

phone of such person, firm or corporation with the telephone of any other person, firm or corporation, having a connection with the same, or a connecting exchange or central office, whenever requested so to do, without regard to the character of the messages to be transmitted, provided they are not obscene or profane; and every person or corporation neglecting or refusing to comply with any of the provisions of this act, shall forfeit not less than twenty-five, nor more than one hundred dollars, for each and every day such neglect or refusal shall continue, one-half to the use of the person or corporation prosecuting therefor.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 82, S.] [Published April 28, 1893.

CHAPTER 237.

AN ACT to amend chapter 436, laws of 1891, relating to the protection of fish and game, and appropriating a certain sum of money therefor.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 9, ch. 436, laws of 1891. Salary of fish and game warden.

SECTION 1. Section 9, of chapter 436, laws of 1891, is hereby amended to read as follows: Section 9. The state fish and game warden shall receive a salary of eighteen hundred dollars per year, together with his actual disbursements and expenses in the line of his duty, such disbursements and expenses to be audited by the secretary of state, and paid out of the state treasury; and he shall also be allowed his necessary printing, stationery and postage; and there shall also be set apart each year, in the state treasury, a contingent fund of fifteen hundred dollars, subject to the draft of the state fish and game warden, upon sworn vouchers that the moneys so drawn were

Contingent fund.

necessary to the best enforcement of the laws relative to fish and game, or are paid for necessary deputies and clerk hire, the said vouchers to be in each instance countersigned by the governor to the effect that the said moneys are, in his opinion, necessarily expended for the purpose named. A sum of money sufficient to pay the salaries and disbursements in this act mentioned, and to create the said contingent fund, is hereby appropriated out of any moneys in the state treasury not otherwise appropriated. Such fish and game warden shall have his office in the city of Madison, and shall devote his entire time to the performance of the duties of his office.

SECTION 2. All acts, or parts of acts, interfering with or conflicting with the provisions of this act are hereby repealed.

SECTION 3. This act shall take effect from and after its passage and publication.

Approved April 17, 1893.

No. 84, S.] [Published April 28, 1893.

CHAPTER 238.

AN ACT to provide a contingent fund to be used for the prevention of cholera and other dangerous contagious diseases.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to State Board of Health for contingent fund.

SECTION 1. There is hereby appropriated to the state board of health, out of any moneys in the state treasury not otherwise appropriated, a sum not exceeding fifty thousand dollars, which shall be for a fund which, by and with the advice and consent of the governor, may be drawn upon by said board, and used by it in such manner as may seem to it necessary to prevent the introduction or spread of Asiatic cholera in the state.

Compensation of board.

SECTION 2. Any member of the state board of health, except the secretary, who is engaged in work for the prevention or control of Asiatic cholera, outside of the city in which such member resides, shall be allowed and paid for the time in which he is actually so engaged, such sum as the governor may approve, not exceeding fifteen dollars per day, in addition to traveling and other necessary expenses; and the account of such traveling and other necessary expenses shall be itemized, duly verified and approved of by the governor, before being audited and allowed.

Reversion of appropriation.

SECTION 3. Any part of the money appropriated by this act, which shall not have been expended before the first day of February, 1895, shall then revert to the general treasury of the state.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 136, S.] [Published April 28, 1893.

CHAPTER 239.

AN ACT to appropriate the sum of seven hundred dollars to Mary O'Laughlin, widow of Patrick O'Laughlin, who recently died by reason of injuries received by the falling of the south wing of the capitol, November 8, 1883.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Mary O'Laughlin.

SECTION 1. There is hereby appropriated to Mary O'Laughlin, widow of Patrick O'Laughlin, out of any moneys in the state treasury, not otherwise appropriated, the sum of seven hundred dollars, on account of injuries sustained by the said Patrick O'Laughlin by the falling of

the south wing of the capitol, November 8, 1893, while he was working thereon; which injuries have heretofore resulted in the death of the said Patrick O'Laughlin.

State to be discharged.

SECTION 2. The sum of money appropriated by section 1, of this act, is to be paid only upon the filing by the said Mary O'Laughlin with the secretary of state of a statement in writing, by which she discharges the state of Wisconsin from any and all claims which she might, as heir of said Patrick O'Laughlin, make by reason of his death as aforesaid.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No 211, S.] [Published May 28, 1893.

CHAPTER 240.

AN ACT to appropriate to the Wisconsin Dairymen's Association a sum of money therein named.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Wisconsin Dairymen's Association.

SECTION 1. There is appropriated to the Wisconsin Dairymen's Association the sum of four thousand dollars, out of any moneys in the treasury not otherwise appropriated. This Appropriation is made to cover the years 1893 and 1894.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 213, S.] [Published April 28, 1893.

CHAPTER 241.

AN ACT to create a municipal court for Ashland county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Creates municipal court.

SECTION 1. There is hereby created and established in and for Ashland county a municipal court, with the powers and jurisdiction hereinafter specified and provided.

Municipal judge, how elected.

SECTION 2. On the first Tuesday of April, 1893, and upon the first Tuesday in April in every fourth year thereafter, there shall be elected in Ashland county, in the same manner in which county judges are elected, a municipal judge, who shall be a regularly admitted attorney of a court of record, and who shall hold his office for the term of four years from the first Monday in January next after his election, and until his successor is elected and qualified. In case of a vacancy in the office of municipal judge, the vacancy shall be filled by appointment by the governor, and the appointee shall continue in office for the residue of the term for which his predecessor was elected.

Jurisdiction of court.

SECTION 3. The municipal judge of Ashland county shall have the same jurisdiction in matters criminal as are now conferred upon justices of the peace, and jurisdiction in civil matters of such subjects as justices of the peace now have jurisdiction, where the amount does not exceed five hundred dollars, and exclusive jurisdiction of all penalties and offenses against the charter, ordinances and by-laws of the city of Ashland, and exclusive jurisdiction of all penalties, forfeitures, crimes and offenses against the laws of the state of Wisconsin within the jurisdiction conferred on justice courts and arising within the corporate limits of the city of Ashland. The practice and procedure in said court, so far as practicable, shall comply with the laws relating to justice courts; and transcripts of its judgments may be with like effect filed with the clerk

Practice and procedure.

of the circuit court of said county. All appeals, civil and criminal, from said court shall be taken in the same way and with like effect as from courts of justice of the peace. The judge thereof shall have the same power to sentence and commit to prison all persons convicted of any offense of which said judge has jurisdiction to try and finally determine, and to bind over and hold to bail in cases involving the examination of offenders as provided by the law governing justice courts.

Oaths of office.

SECTION 4. Said judge shall file his oath of office and official bond in manner and form as provided for justices of the peace.

Dockets.

SECTION 5. The judge shall keep separate dockets for civil and criminal matters, respectively; they shall be kept in the same manner, as far as applicable, as dockets of the justice of the peace are required to be kept.

Fees.

SECTION 6. It shall be lawful for the said municipal judge to charge and collect the same fees in all civil and criminal actions in said court, as are allowed by law to justices of the peace, all fees, fines and penalties, by him collected in state cases, it shall be his duty to pay over, at the end of each month, to the treasurer of Ashland county; all fines, fees and penalties by him collected by virtue of the charter, ordinances and by-laws of the city of Ashland, it shall be his duty to pay over at the end of each month to the treasurer of said city. He is entitled to and may charge and collect, for his own use, the same fees in all civil matters as are allowed to justices of the peace.

Clerk of court.

SECTION 7. Said judge shall appoint in writing a clerk of said court, who, before entering upon his duties, shall take and subscribe the oath of office prescribed in the constitution, which appointment and oath shall be filed with the clerk of the circuit court of said county; said clerk shall make and keep the records of said court, and perform all ministerial acts required of him by and under the direction of the judge of said municipal court.

Phonographic reporter. compensation.

SECTION 7a. Said judge may appoint a phonographic reporter for said court, whenever he may deem it necessary. Every reporter, when so appointed, shall be an officer of said court,

and shall, before entering on the duties of his office, take and subscribe the constitutional oath. Such reporter shall be paid five dollars per day for each day's actual attendance, or half that amount for each half day's attendance on said court, which charge shall be paid by the county of Ashland as other charges of said court against said county are paid. Section 2439, of the Annotated Statutes, shall apply to such reporter and said court, and section 4141, of the Annotated Statutes, shall apply to transcribed copies of the testimony and proceedings taken by said reporter.

Service of process.

SECTION 8. Sheriffs and constables of Ashland county shall serve and execute the process of this court, wherein the state of Wisconsin is a party, and all civil process issued out of said court. The police officers of said city shall serve and execute all process issued out of said court, wherein the city of Ashland is a party.

Judge disqualified, etc., may appoint justice of the peace.

SECTION 9. In case it shall be made to appear in the same manner and for the same causes as in justice court, that the municipal judge is disqualified to try any matter pending before him, and in case of the absence, sickness or temporary disability of said judge, he may, by order in writing, to be filed in said court, appoint a qualified justice of the peace in said county, to discharge the duties of such judge during such absence, sickness or disability, who shall have all the powers of such judge while administering such office.

Actions not to be removed.

SECTION 10. No action shall be removed from said court for trial; but when it shall appear that the judge thereof is disqualified by reason of prejudice or other cause to try any action, he shall, so as aforesaid, call in a justice of the peace to try the same.

Circuit court retains present jurisdiction.

SECTION 11. Nothing herein shall deprive the circuit court of Ashland county of jurisdiction of any action now given by law.

Court, when held.

SECTION 12. The judge of said court shall daily hold his court in some suitable room in the city of Ashland, to be provided, furnished, heated and lighted under the direction of said judge, by the city, without any extra expense to Ashland county; but the judge thereof shall have power, in his discretion, to try any cause, matter or pro-

ceeding in some suitable room in the court house of Ashland county, whenever he may deem it convenient, for himself, witnesses or parties. All needful stationery, and all blanks required by said court in criminal actions and examinations, and the judge's docket shall be furnished at the expense of Ashland county.

Salary of judge.

SECTION 13. The judge, for his services in criminal matters, shall receive, in addition to the compensation hereinbefore provided, a salary of sixteen hundred dollars per year, to be paid monthly, and the clerk the sum of six hundred dollars per year, to be paid monthly, as follows: One-half thereof shall be paid out of the treasury of Ashland county, and one-half out of the treasury of the city of Ashland.

New trials may be granted.

SECTION 14. The said municipal judge may, in his discretion, at any time within twenty days after judgment in any civil case, upon his own motion, or on the motion of any party to the action, (all parties to the action who appeared therein, having three days' notice), set aside any verdict or judgment, and modify or reverse any proceeding or judgment of his court, and grant new trial for errors of law or fact.

Term of present municipal judge not affected.

SECTION 15. This act shall in no wise affect the term of the present judge of the present municipal court of Ashland county, who shall hold and continue his office under this act until the first Monday of January, 1894, and who shall exercise all the powers and jurisdiction conferred by this act.

Pending suit, etc., to be certified to circuit court.

SECTION 16. All suits, actions and causes of action now pending before the municipal court of Ashland county on appeal, and all state cases pending for trial before said court on information when this act shall go into effect, to-wit: the date of its publication, shall be immediately certified by the clerk of said court to the circuit court of Ashland county, which said court shall have the same jurisdiction, power and authority to hear, try and determine said actions and proceedings, as though the same had been originally appealed, bound over, or certified to said circuit court.

Election of judge in 1893.

SECTION 17. This act shall in no manner affect the election for the municipal judge for Ashland county held on the first Tuesday in April, 1893,

and the person so elected to the office of municipal judge under the provisions of chapters 94 and 315, of the laws of 1889, shall exercise the powers and jurisdiction by this act conferred for the term of four years from the first Monday in January, 1894.

Repeals ch. 94 and ch. 315, laws of 1889.

SECTION 18. Chapters 94 and 315, of the laws of Wisconsin for the year 1889, are hereby repealed.

SECTION 19. This act shall take effect and be in force from and after its passage and publication

Approved April 17, 1893.

No. 292 S.] [Published April 28, 1893.

CHAPTER 242.

AN ACT to amend section 2865, and section 3070, of the Revised Statutes of 1878, relating to trial by the court or by referees, and determination on appeal.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2865, R. S.

Referees, trial by and powers of.

SECTION 1. Section 2865, of the Revised Statutes, is hereby amended so as to read as follows: Section 2865. The trial by referees shall be conducted in the same manner as a trial by the court. They shall have the same power to grant adjournments and allow amendments to any pleadings as the court upon such trial, upon the same terms and with the like effect. They shall also have the same power to preserve order and punish all violations thereof upon such trial, and to compel the attendance of witnesses before them by attachment, and to punish them as for contempt for non-attendance or refusal to be sworn or testify, as is possessed by the court. And they shall give to the parties or their attorneys at least eight days' notice of the time

and place of trial. They must state the facts found and conclusions of law separately, and report their findings, together with all the evidence taken by them, and all exceptions taken on the hearing, to the circuit court; and the circuit court shall review such report and on motion enter judgment thereon or set aside, alter or modify the same, and enter judgment upon the same so altered or modified, and may require the referees to amend their report when necessary. The judgment so entered by the circuit court may be appealed from to the supreme court in like manner as from judgments in other cases, and the report of the referees may be incorporated with the bill of exceptions. Report, how made.

SECTION 2. Section 3070, of the Revised Statutes, is hereby amended so that the same shall read as follows: Section 3070. Upon appeal from a judgment, as well as upon a writ of error, the supreme court shall review any intermediate order or determination of the court below, which involves the merits and necessarily affects the judgment appearing upon the record transmitted or returned from the circuit court, whether the same were excepted to or not, nor shall it be necessary in any case to take any exception or settle any bill of exceptions to enable the supreme court to review any alleged error, which would without a bill of exceptions appear upon the face of the records. All questions of law or fact presented by the record upon such appeal or writ of error, shall be reviewed by the supreme court, and it shall be the duty of the supreme court to examine and review the evidence when the same is preserved by a bill of exceptions, and give judgment according to the right of the cause, regardless of the decision upon questions of fact or law made by the court below, according to law and equity. Amends sec 3070, R. S. Appeals to supreme court, what to be reviewed. Questions of law or fact.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 326, S.] [Published April 28, 1893.

CHAPTER 243.

AN ACT to authorize the Chicago, Milwaukee and St. Paul Railway company to own and hold stock and securities in certain corporations.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

May hold stock, etc., in certain corporations.

SECTION 1. The Chicago, Milwaukee and St. Paul Railway company shall have, in addition to the powers and franchises conferred upon it by law, power to purchase, take, hold and own in its corporate name, and for its sole use, shares of the capital stock of bonds of any railroad company whose road is now, or may hereafter be, owned, operated or leased by said company, and also of any other corporation formed or organized for the purpose of owning and operating mines as industries, which will aid the development and increase the business, or facilitate the operation of said railway, and may also take and hold stock of the Milwaukee Land company, a corporation organized under the laws of the state of Iowa.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 340 A.] [Published April 28, 1893.

CHAPTER 244.

AN ACT to appropriate to Benjamin F. Goss the sum of money therein named.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Benjamin F. Goss.

SECTION 1. There is hereby appropriated to Benjamin F. Goss, one thousand and fifty-eight dollars and thirty-eight cents, out of any moneys in the treasury not otherwise appropriated, in full compensation to him for expenses incurred in the contest case of O. L. Rosencrans against Benjamin F. Goss.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 248, S.] [Published April 28, 1893.

CHAPTER 245.

AN ACT authorizing drainage corporations to condemn lands and exercise the right of eminent domain.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Drainage corporations may acquire certain real estate.

SECTION 1. Whenever it shall become necessary for any corporation organized under the laws of this state for the purpose of constructing, maintaining and operating drains, canals, ditches or the like, for the purpose of drainage, and for reclaiming wet, submerged, overflowed and swamp lands, to acquire any real estate for the purpose of constructing, maintaining or op-

erating any canals, drains, ditches or the like, which said real estate is owned by any other person or corporation, it may acquire such real estate in the manner herein provided.

May file petition with county judge; what to contain.

SECTION 2. For the purpose of acquiring such title, such corporation may file a petition with the county judge of the county in which the real estate desired to be acquired is situate, praying for the appointment of commissioners of appraisal by such county judge, which petition must be signed and verified by the attorney or some authorized officer of the corporation. Such petition shall state that the corporation is duly incorporated, giving a description of the real estate sought to be acquired; that the same is required for the purpose of building, constructing, maintaining or operating canals, drains, ditches or the like, by the corporation for the purpose of draining wet, submerged, overflowed or swamp lands, and that it is the intention of the corporation to use it therefor; the names of the owners and parties interested therein; that the corporation is unable to agree with such owners and parties interested therein upon the value of such lands; that it has surveyed its route for its canals, drains or ditches, over the lands sought to be acquired, giving a description thereof, and shall state the width of the strip or strips of land necessary for its drains, canals, ditches or the like, and the reasons therefor; that the route or routes of such drains, ditches, canals or the like, has or have been located by its board of directors in accordance with such survey, and that the real estate as described is required for the purpose of constructing, maintaining or operating its drains, ditches, canals or the like. If any owner of such land is an infant, or of unsound mind, or unknown, these facts shall be stated, if known to the corporation, and if any such person is under guardianship, the name of the guardian shall likewise be stated. The filing of such petition shall be deemed to be the commencement of a suit in such county court. Upon the filing of such petition, the said judge thereof shall make an order requiring notice to be given of the time and place of hearing said petition, which notice shall in general terms state the filing of such petition, the object there-

Persons interested to be heard; infants, etc.

Judge to make order, etc.

of, and shall refer by general description to the lands described in the petition and shall be addressed to the parties named in said petition and to all persons interested in said lands, and may be served personally, or at the last and usual place of abode of such owners and parties interested, not less than five days before such hearing, or by publication in some newspaper to be designated by said judge, not less than ten days before the date fixed for the hearing of said petition.

SECTION 3. On presenting such petition to the judge, with proof of service or of publication of notice, any person whose estate or interests are to be affected by the proceedings may show cause against granting the prayer of the petition; if it shall appear from said petition that any such persons are infants, of unsound mind, or otherwise incompetent, the judge may, upon notice to the guardian, if they have any, and if not without further notice, appoint a guardian *ad litem*, to act for such person in such proceeding, and require him to give proper security. The said judge shall hear the parties interested and may adjourn from time to time as shall be convenient; and shall determine whether it is necessary for the corporation petitioning to take the whole or any part of the lands sought to be acquired, and if no sufficient cause is shown against granting the prayer of the petition, shall make an order appointing three disinterested and competent freeholders, who reside in the county where the premises to be appraised are situated, or of some adjoining county, commissioners to ascertain and appraise the compensation to be made to the owners and persons interested in the real estate determined necessary to be taken in such county for the purposes of the corporation, and fix therein the time and place for the first meeting of the commissioners, and may limit the time in which they shall hold their appointment, which shall not in any case exceed one year.

Commissioners to be appointed.

SECTION 4. The commissioners shall, before entering on the discharge of their duties, take and subscribe an oath that they will support the constitution of the United States, and the constitution of the state of Wisconsin, and faith-

Commissioners; duties and powers.

fully discharge their duties as such commissioners, to the best of their ability. Whenever requested in writing by or on behalf of the corporation, or any person interested in any tract of land described in the petition, but not otherwise, they shall proceed to perform their duties in respect to the land mentioned in such request and a majority of them may adjourn the proceedings before them in respect to any particular tract of land from time to time, in their discretion, but not more than twice, nor more than sixty days in all, as to any one such case. Upon such request they shall cause notice to be given to each party interested of the time when, and place where they will meet to consider the amount of compensation to which the land owner is entitled, which notice shall be personally served on such party or his authorized agent, or attorney, or guardian, *ad litem*, or by leaving the same at his residence or place of business with a person of suitable age or discretion at least six days before the time of such meeting; and to the attorney or agent of the corporation, when requested to act by any other party. If such a party is a nonresident of this state, or if his residence is unknown, and he has no authorized agent or attorney in this state known to such commissioners, notice shall be published in a newspaper as aforesaid for such length of time as the judge appointing such commissioners shall direct, and said judge shall also designate the newspaper in which such publication shall be made. The commissioners shall file proof of serving such notices or of the appearance of such parties before them either personally or by attorney, with their report. But it shall not be necessary to serve or publish notice of any subsequent meeting held pursuant to adjournment. The commissioners shall view such of the premises described in the petition, as are described in such written request, and hear the allegations of the parties, and shall appraise, ascertain and determine the value of each such tract or parcel of land proposed to be taken, with the improvements thereon, and of each separate interest therein, and the damages sustained by the owner by reason of the taking thereof, and fix the amount of compensation to be made to each of such owners

therefor; and in fixing the amount of such compensation, said commissioners shall not make any allowance or deduction from the value of the real estate taken on account of any real or supposed benefit which the parties in interest may derive from the construction, maintenance or operation of such canals, drains or ditches, for which said real estate may be taken. A majority of the commissioners, all being present, shall be competent to determine all matters before them. The commissioners shall, within twenty days after last viewing any of the lands so taken, make and file in the office of the county judge of such county, a report of their proceedings concerning such lands, making separate reports in relation to the lands of each distinct owner, setting forth the award made for each tract or parcel thereof, or separate estate therein, to the owner or owners thereof. The commissioners shall be entitled to such compensation as the county judge may direct, which shall be paid by the petitioner.

Report to be filed.

Compensation.

SECTION 5. Within thirty days after the filing of the report of the commissioners in the office of such county judge, any party interested may appeal from that part thereof in which he has an interest, to the circuit court of the county, by filing in the office of said county judge a written notice of appeal. Upon receiving such notice, the county judge shall certify all of the records and papers in such proceedings to the circuit court; the appeal shall be considered an action pending in such circuit court, subject to a change of the place of trial, and to appeal to the supreme court, as in other actions, and shall be entered by the clerk upon the records of the court by setting down the owner or owners of the land for which such award was made and who are parties to the appeal as plaintiffs, and the petitioning corporation as defendant; such appeal shall be tried by jury, unless a trial by jury is waived by both parties. Costs shall be allowed to the successful party on such appeal, and, if in favor of the plaintiff, be added to the amount of the verdict; if in favor of the defendant, be deducted therefrom; and judgment shall be rendered thereon according to the rights of the parties. Upon the trial of said appeal the same proceedings and

Appeal from award of commissioners.

rules of practice shall apply that apply to other actions and trials by jury.

Upon payment of award corporation may take lands.

SECTION 6. The report of the commissioners shall be reported by the county judge in the judgment book of the county court, and at any time after the making of such award the petitioning corporation may pay to the owners of the lands so taken or to the said county judge for the use of such owners the amounts awarded by the commissioners, and thereupon may enter upon, take and use the lands for the purpose for which they were condemned, and may move said county judge, upon twenty-four hours' notice, that a

Writ of assistance.

writ of assistance may be issued to put such corporation into the possession of the same, and said county judge shall, upon the corporation giving security in such additional amount as he shall require to pay any judgment that shall be recovered against it on appeal, award such writ. If such corporation be in possession or be put in possession of such land, pending an appeal, the owners or parties entitled thereto shall be entitled to receive the money paid into court on account of the award appealed from without prejudice to the appeal taken; but if the corporation shall have appealed, such moneys shall not be so withdrawn, upon filing a bond in such sum and with such sureties as shall be approved by the

Failure to pay award.

county judge, to repay the amount by which such award shall be abated on such appeal with costs. If such corporation shall omit, for the space of sixty days, to pay the amount so awarded into court, or to pay into court the amount of any final judgment, which shall be rendered upon any appeal from such award, the party interested in such award or judgment may have execution upon said judgment without motion, or for the amount of such award upon motion. If any defect of title to, or incumbrance upon, any parcel of the premises shall be suggested in said petition, or if any party to said proceeding, or any person not a party, shall petition the said court, setting up a claim adverse to the title set out in said petition, to said premises, and to the money or any part of it to be paid as compensation for the property so taken, the court shall hear and determine the rights of the parties to said money, and, for that

Defect of title, etc; how rights determined.

purpose, may order a reference or an issue to be tried by a jury. Either party may except to the decisions of the circuit court, and appeal to the supreme court, in like manner as in other actions. Either court may award costs to the prevailing party, and render judgment therefor against the other party.

Use of lands, when to vest in corporations.

SECTION 7. When no appeal shall be taken from any award, within the time provided by law, and the corporation shall have paid the amount thereof into court, or filed a receipt therefor duly signed by the owner and acknowledged before an officer authorized to take the acknowledgment of deeds, in the office of the county judge, or when, after the determination of such an appeal, the petitioning corporation shall have paid into court the amount of the judgment rendered thereon, or filed a receipt therefor as aforesaid, the county judge shall make a minute of such payment, or of the filing of such receipt, at the foot of the record of the report of such commissioners, thereupon the exclusive use of said premises, and every part and parcel thereof, shall vest in such corporation, its successors and assigns, so long as used for said purposes, without any other or further act, deed or conveyance; and said record, or the certified copy thereof, shall be prima facie evidence of such title in all courts and places.

Proceedings may be amended.

SECTION 8. The county court shall have power at any time before the appeal is taken, and the circuit court shall have power after the appeal is taken, to amend any defect or informality in any of the special proceedings authorized by this chapter, as may be necessary, to cause new parties to be added and to direct such other notices to be given to any party in interest, as it deems proper, and also to appoint other commissioners in place of any who shall die or refuse or neglect to serve or be incapable of serving.

SECTION 9. For the purpose of carrying out the powers conferred by this act, every county judge and county court in this state is hereby vested with full and complete jurisdiction.

SECTION 10. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 337, S.] [Published April 28, 1893.

CHAPTER 246.

AN ACT to amend section 3, of chapter 87, of the laws of 1893, entitled. "An act to abolish days of grace."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 3, ch. 87, laws of 1893.

SECTION 1. Section 3, of chapter 87, of the laws of 1893, is hereby amended so as to read as follows: Section 3. This act shall not take effect and be in force until one year after the date of its passage and publication.

Approved April 18, 1893.

No. 330, S.] [Published April 27, 1893.

CHAPTER 247.

AN ACT to appropriate a sum of money for the funeral expenses of the late Senator F. W. Horn, and Assemblyman D. A. Mahoney.

The people of the State of Wisconsin, represented in Senate and assembly, do enact as follows:

Appropriation to Theodore Knapstein.

SECTION 1. There is hereby appropriated to Theodore Knapstein, sergeant-at-arms of the assembly, out of any moneys in the treasury not otherwise appropriated, the sum of thirteen dollars, for funeral expenses incurred in the funerals of the late senator F. W. Horn, and assemblyman D. A. Mahoney, and paid by him in excess of the amount heretofore appropriated.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893

No. 149 S.] [Published April 27, 1893.

CHAPTER 248.

AN ACT to appropriate a certain sum of money therein named to the Wisconsin Veterans' Home.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to Wisconsin Veteran's Home.

SECTION 1. That there is hereby annually appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of five thousand dollars to be used for the purpose of repairing and improving the buildings and grounds of the Wisconsin Veterans' Home at Waupaca, and for other contingencies that may arise.

Same.

SECTION 2. There is hereby appropriated, out of any moneys in the state treasury, not otherwise appropriated, the sum of five thousand dollars for the purpose of purchasing and placing in the old men's building of said Wisconsin Veterans' Home, the same now being completed, all necessary heating apparatus and furniture.

Board of trustees to give bond.

SECTION 3. The members of the board of trustees of said Wisconsin Veterans' Home shall execute to the state of Wisconsin a joint and several bond on their part in the penal sum of twenty-five thousand dollars, with two or more sufficient sureties, conditioned that they will faithfully expend and apply said moneys appropriated by this act strictly to the several objects and purposes for which the same are appropriated, and that they will in all respects discharge their duties as such trustees. Until such bond, as is hereinbefore provided, shall be properly made and approved by the governor and filed in the executive office, no money shall be paid out of the state treasury in pursuance of the appropriation made by this act. It shall be the duty of said trustees to keep a true and accurate account of the disbursement of moneys herein appropriated, and report the same to the governor in writing.

Ch. 393, laws of 1891 to apply.

SECTION 4. This act shall not in any wise repeal or amend any of the provisions of chapter 393, laws of 1891, but the said provisions of said chapter 393, laws of 1891, in so far as they are applicable to the expenditure of moneys hereby appropriated, and all reports relevant thereto, and all other duties imposed by said act, are hereby continued in force in respect to appropriations herein made, in so far as the same can be applied thereto.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 144 S.] [Published April 27, 1893

CHAPTER 249.

AN ACT to regulate caucuses and conventions.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Caucuses in counties of two hundred thousand population.

SECTION 1. All caucuses or meetings of electors held for the purpose of choosing delegates to assemble in convention to nominate any person for any public office to be voted for in counties having, according to the last national census, a population of more than two hundred thousand persons, except for congress and state senator in any senatorial district lying in part in any such county only, shall be held under the provisions of this act, and in such counties, all meetings for choosing delegates for such purpose, commonly called caucuses, unless held under the provisions of this act, are hereby declared to be unlawful, and are hereby prohibited, and in such counties no person shall be voted for at any election held therein, except for congress or state senator as aforesaid, unless he shall be first nominated under the provisions of this act or by delegates duly chosen under its provisions, or under the provisions of law regulating the nomi-

Caucuses, what declared to be.

nation of independent candidates; and all votes cast at any election in any such county for any office, except for congress or state senator as aforesaid, unless so nominated, are hereby declared to be void. All meetings of electors in any town, village or ward, in any such county, held for the purpose of choosing delegates as aforesaid, are hereby defined as caucuses, and declared to be such, and no person shall vote or offer to vote at any such caucus, held in any such county, unless, at the time, he shall be a qualified elector of the town, village or ward in which such caucus is held; and any person who, not being an elector as aforesaid, shall vote or offer to vote at any such caucus, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner hereinafter provided.

Political parties to file with county clerk name of county chairman.

SECTION 2. Every political party organization, desiring to nominate candidates to be voted for at any election to be held in any such county, shall file with the county clerk of such county, on or before the first Monday of January of the year in which such election is to be held, the name of the chairman of the county committee of such political party, who shall be an elector of such county, and it shall be the duty of every such chairman, within thirty days thereafter, to appoint for each town, village and ward in such county a reputable elector, who shall be of the same political faith as such county chairman, and who shall reside in the town, village or ward for which he is appointed as chairman, and within said thirty days he shall file with the said county clerk the names of such chairmen, and every such chairman of the county committee shall at all times have power to remove any ward, village or town chairman so appointed by him, and to fill vacancies which may occur in his appointments, and shall within thirty days after filling any such vacancy, file with the county clerk the name of the person so appointed to fill such vacancy. All of the chairmen of the county committees, of the several political parties now holding office in every such county, shall continue to hold such office hereunder, until their successors shall respectively have been duly elected; and until such successors shall have been duly elected, the county committee shall

County chairman to appoint chairman in towns, etc.

Removals.

Vacancies

have full power to fill any vacancy in such office, and they shall make their appointments of town, village and ward chairmen, on or before the first day of February, A. D. 1894, and file the names of their appointees with the county clerk as herein provided. Each county convention held under the provisions of this act, shall, before adjourning *sine die*, choose some person to act as chairman of the county committee of the political party it represents. The terms of office of all chairmen of such committees shall commence with their selection as aforesaid, and continue until their successors are elected and have qualified; and in case the chairman of any such county committee shall refuse or be unable to serve, or of a vacancy in such office, such county committee shall appoint his successor to hold office until a new chairman is chosen, as herein provided. The respective county committee shall determine the day and place when the county convention of the political party it represents shall be held, and also the day upon which the caucuses of such political party shall be held in each town, village or ward, and the number of delegates which shall represent each town, village and ward in such convention. And whenever there shall be held any city election in any city situated within any such county, the chairman of the county committee shall act as chairman of the city committee, which committee shall fix and determine the day and place of holding the city convention and the number of delegates which shall be chosen from each ward of said city to act in said convention, and shall determine the day upon which caucuses of the political party which it represents shall be held in each ward, and all caucuses of one political party shall be held upon the same day, and no more than one political party shall hold caucuses on the same day. The persons so appointed as chairmen of the town, village and ward committees, shall, with the chairman of the county committee, constitute the county committee of the respective political party, and the chairman of such county committee, and the chairmen so appointed as chairman of the ward committees, shall constitute the

County convention to choose county chairman.

County committee, powers of.

County committee, of whom composed.

city committee. Whenever such county committee or city committee shall determine the time of holding of such caucuses, the chairman of such committee shall cause to be published in some daily newspaper published in said county and printed in the English language, also in a daily newspaper printed in the German language, and also in a daily newspaper printed in the Polish language, a notice stating the time and place when such convention and such caucuses will be held; such notice shall be published for at least two successive days, the first publication to be not less than three, nor more than ten days prior to the time fixed for the holding of the caucuses. All conventions shall be held upon the day following the holding of the caucuses of the respective political party, and in case such day shall fall on Sunday, then upon the Monday following. Such conventions shall be held not more than four weeks, nor less than six days before the election at which candidates are nominated to be voted for. All caucuses held under the provisions of this act, within the limits of any city situated in any such county, shall be held and conducted at the regular precinct election booth located nearest to the center of the ward where held, unless the chairman of the county committee of the party holding any such caucus shall designate some other election precinct booth in said ward, in which event such caucus shall be held at the booth so designated, and shall open at the hour of eleven o'clock A. M., and close at the hour of half past seven o'clock P. M., on the day fixed for its holding. It is hereby made the duty of every such city, and of the board of public works thereof, to cause such booth to be constructed and erected at said place and at said time for such purpose, and to furnish necessary stationery, furniture, heat and light. When such caucus shall be held in any town or village in any such county, it shall be held and conducted at the town or village hall of and in such town or village, and shall open at the hour of two o'clock in the afternoon and continue to and close at the hour of half past seven o'clock of the same afternoon of the day fixed for the holding of such caucus.

Caucuses, notice of.

Conventions, when held.

Caucuses, when held.

Inspectors, how appointed.

SECTION 3. There chall be appointed annually on or before the first day of February of each year, by the chairman of the county committee, three electors of each town, village and ward, who shall act as inspectors at every caucus held therein of the political party for which he acts, and every elector so appointed shall, before entering upon the discharge of his duties, and within ten days from the time of his appointment, make oath or affirmation before the county clerk of such county, who is hereby authorized to administer the same, that he is an elector of the town, village or ward for which he is appointed; that he will faithfully, honestly and correctly conduct the election to be held at the caucus; protect it against all fraud and unfairness; carefully and truly canvass all votes cast thereat, and in every way comply with and carry out the provisions of this act. Such inspectors shall thereafter have full authority to administer all oaths necessary to carry on said caucus in the manner herein provided. Said county chairman may at any time prior to the opening of the caucus remove any inspector so appointed by him and appoint another in his place, who shall qualify in like manner. In case at the time fixed for opening such caucus any inspector shall fail to appear, the inspector or inspectors present shall appoint some elector, resident of the ward, village or town in which such caucus is held, in the place of such absent inspector, and shall administer to such person the oath provided for in this act. Such inspectors shall, upon the day duly fixed for holding the caucus, open and declare the same opened at the hour hereinbefore named, and shall, at the time herein set forth, publicly declare the same closed, and immediately after closing the same, they shall count every vote cast, in the presence of all persons desiring to attend, who may have been voted for at such caucus, or one authorized agent for each such person; and immediately when the result is determined, announce the same in a loud voice, burn all of the ballots or tickets cast, and send verified and certified proper returns forthwith to the chairman of the county committee, which ordered said caucus to be held. Said inspectors, in verifying said

Oath.

Powers.

Vacancies, how filled.

Ballots to be burned.

returns, may administer the oath to each other. Any inspector who shall make any false return of the action of the caucus, or of any vote cast thereat, shall, upon conviction thereof, be punished in the manner provided by law for making a false return of any election. No person shall vote or offer to vote more than once in one caucus for one and the same candidate, and the same set of delegates, and no person shall vote or offer to vote in any caucus where candidates and delegates are to be chosen, if he has already voted at the caucus of any other political party for candidates to be voted for, or for delegates to be chosen to act in a convention to nominate candidates to be voted for, at the next ensuing election. Any person violating the provisions of this section, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner hereinafter provided. It is hereby made the duty of every such inspector, in case he shall believe that any person offering to vote at any such caucus, voted against the regular candidates of the party holding such caucus at the last preceding election at which he voted, to challenge the right of such person to vote at such caucus, and no person so challenged shall be permitted to vote ah any such caucus, unless he shall first subscribe and file with such inspectors an oath or affirmation that he did not vote against such regular candidates at such last preceding election. All such affidavits shall be returned by such inspector to the county committee of the party holding such caucus. In case any person shall, in making said oath or affirmation, falsely swear, he shall be deemed to have committed wilful perjury, and upon conviction thereof, shall be punished in the manner provided by law. The color of the paper of the various tickets shall be as follows: For the election of candidates for members of assembly, or delegates to conventions for the election of candidates for assembly, and candidates for supervisors, village and town officers, yellow; for the election of delegates to county and city conventions, green; for the election of candidates for aldermen and delegates to senatorial conventions, white; for the election of delegates to conventions for

False returns, penalty.

Voting; penalty for illegal.

Challenges, affidavit on.

Paper for tickets, what color to be used.

Caucus tickets not to be distributed on streets, etc.

the election of candidates for justices of the peace and constables, red. No person shall distribute or offer to distribute any caucus tickets or ballots, to be voted at such caucus, on the public streets or in any public place in the town, ward or village, where such caucus is held, during the hours of the caucus; and any candidate may deposit his tickets in the caucus booth for the use of voters; and such tickets, except to be used for voting, shall not be removed from or distributed in the booth after they are placed there, until the caucus is closed; and any person who shall violate any of the provisions last above named, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished in the manner hereinafter provided.

Registry lists to be given chairman.

SECTION 4. The board of registry of each election precinct shall, at least two days prior to the days fixed for the holding of each caucus to be held in the ward, village or town in which such precinct is situated, deliver to the chairman of the respective ward committee three copies of the printed registry list of electors made at the first meeting of said board of registry of electors, entitled to vote in such precinct at the ensuing election, and the failure or refusal of any such board of registry to comply with the provisions of this section, shall operate to forfeit all compensation provided by law to be made to every member of such board of registry, and they shall thereafter be ineligible to act as inspectors of election. The chairman of the ward committee receiving such lists shall deliver them to the inspectors of the caucus, on or before the day fixed for the holding of the caucus, and prior to the hour fixed for opening the same, and in case of his failure, neglect or refusal to deliver them to the inspectors, as aforesaid (if they shall have been duly delivered to him by the board of registry), at the time herein fixed, he shall be deemed to have forfeited his office as the chairman of such ward committee, and the inspectors of the caucus may, in such manner as they may deem best, obtain the said lists and use them in the manner herein provided. The manner of conducting such caucuses, preparing tally sheets and making the poll lists of voters thereat, shall be the same as

Chairman to deliver lists to inspectors.

Caucuses, how conducted.

at regular elections; only voters whose names appear on such registration lists (where registration is by law required), shall be allowed to cast a vote at said caucuses.

Basis of representation in convention, county committee to fix.

SECTION 5. The county committee of each political party or association shall fix the basis of representation of the various wards, towns and villages, in all conventions held by such party in every such county, the tickets or ballots to be used at the caucuses for choosing delegates, or nominating candidates, shall contain the name of the political party, the number of the ward, or the name of the town or village, the name of the convention, or the name of the office, and shall not contain more names for delegates or candidates for office, than the ward, village or town is entitled to; and every ticket or ballot containing more names for delegates or candidates for office than the ward, village or town is entitled to, is hereby declared to be void, and the same shall not be counted by the inspectors.

State senators how nominated.

SECTION 6. In every senatorial district lying wholly within any such county, candidates for the office of state senator shall be nominated by delegates who shall be chosen at the holding of the caucuses in each ward, village and town within such senatorial district, and such delegates shall, on the day ensuing such caucus, meet and choose the nominee for state senator. At the same time when such caucuses are held, and there shall be a nomination to be made for member of assembly, there shall be chosen at such caucus in each town, village or ward, constituting such assembly district, delegates, who shall, on the ensuing day, meet and choose the nominee for member of the assembly; in case the assembly district is composed of one ward only, then the member of assembly shall be nominated by the caucus direct. In case of the failure of any senatorial convention or assembly district convention, or caucus, to choose its nominee on the day herein fixed, such nominee shall be chosen and selected on the next secular day following, by the county committee of the respective party.

Assemblymen, how nominated.

City officers, how nominated.

SECTION 7. Candidates for all city offices shall be nominated by delegates chosen by the caucuses provided for in this act, and there shall

be chosen or nominated by the caucus, at the same time that delegates are chosen for the city convention, all ward and other officers to be voted for at the time of holding the city election, and which are not nominated by the city convention. It is hereby made unlawful for any delegate, chosen at such caucus to any convention, to authorize or empower any other person to represent him in any such convention, and representation by proxy is hereby prohibited.

Proxies prohibited.

Bribery, etc., a misdemeanor.

SECTION 8. Every person who, by bribery or corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at any caucus mentioned in this act, or who shall give or offer to give any valuable thing or bribe to any inspector or delegate whose office is created by this act, as a consideration for some act to be done, or omitted to be done, in relation to such caucus or convention, or who shall interfere with, or in any manner disturb any caucus held under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished in the manner hereinafter provided.

Penalty.

SECTION 9. If any person shall be convicted of a violation of any of the provisions of this act, for which no punishment is herein provided, or who shall be convicted of a misdemeanor under the provisions of this act, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court.

Act not to apply in certain cases.

SECTION 10. The provisions of this act shall not apply to the election or nomination of state officers, or to any special election or judicial election (except for justice of the peace), held in any county specified in section 1, of this act.

SECTION 11. All acts and parts of acts in conflict with the provisions of this act are hereby modified, superseded or repealed, to the extent that this act be carried into full force and effect.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 80, A.] [Published April 28, 1892.

CHAPTER 250.

AN ACT to amend section 1463, of the Revised Stututes of Wisconsin, as amended by chapter 437, laws of 1885, and chapter 234, laws of 1889, relating to state and to county agricultural societies.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1463, R. S., as amended.

SECTION 1. Section 1463, of the Revised Statutes of Wisconsin, as amended by chapter 437, laws of 1885, and chapter 234, laws of 1889, is hereby amended so as to read as follows: Section 1463. There shall be paid annually within ten days after the first day of February, out of the state treasury, to each organized agricultural society and industrial association, other than the state agricultural society, which shall have substantially complied with the conditions hereinafter named, forty per cent. of the total amount of premiums paid by such society during the preceding year; provided, that no agricultural society or industrial association complying with the conditions of this act shall receive less than two hundred dollars; and provided, that percentage shall not be paid on more than three thousand dollars in premiums to one association; and, provided further, that in computing the amount on which such percentage is to be paid as aforesaid, there shall not be included more than five hundred dollars of premiums paid for trials or exhibitions of speed of all classes in any one year.

Appropriation to agricultural societies, etc.

Conditions imposed.

First. It shall have held an annual fair or exhibition during the previous year.

Second. Shall present to the secretary of state a sworn statement of the president and secretary, that said society, at its annual fair held during the year for which its appropriation was made, had prohibited and excluded from its fair grounds and all adjacent lands under its authority all gambling devices whatsoever.

Third. Shall have received into its treasury in cash during the preceding year not less than two hundred dollars from the sale of memberships, admission tickets, and subscriptions, and other sources than from the state.

Fourth. Shall have, by its executive committee or secretary, made and published in some newspaper in the county a condensed statement of its principal acts and doings for the year, setting forth a list of its officers, its principal meetings, a report of its fair, showing the number of its entries, the amount of money received, the amount paid for premiums and for other purposes, and a full statement of the entire receipts and disbursements of the society for the year, showing whence all sums were received and to whom paid, such report to be verified by the oath of the secretary, and one certified copy thereof shall be deposited with the secretary of state and one with the secretary of the state agricultural society, on or before the first day of February in each year. Such sum of money shall be paid to or on the order of the treasurer of the society, and only upon the receipt of the proper treasurer of each society entitled thereto, countersigned by the secretary thereof.

SECTION 2. All acts or parts of acts conflicting with the provisions of this act, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 780, A.] [Published April 24, 1893.

CHAPTER 251.

AN ACT to authorize the city of Sheboygan to construct a bridge across Sheboygan river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Sheboygan authorized to build wagon bridge.

SECTION 1. The city of Sheboygan is hereby authorized to build, construct and maintain a wagon bridge over and across the Sheboygan river at Eighth street, in said city, and for that purpose may erect piers, drive piles, sink cribs, and build approaches in said river and banks thereof, necessary for the proper or convenient construction and maintenance of such bridge; provided, that a suitable draw shall be built and maintained in the channel span of such bridge for the passage of boats; and said bridge shall be so constructed as not to materially interfere with the navigation of the waters of the said Sheboygan river; and provided further, that said bridge shall be constructed according to plans approved by the secretary of war of the United States.

How constructed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 769 A.] [Published April 27, 1893.

CHAPTER 252.

AN ACT to amend section 1, of chapter 233, of the laws of 1881, as amended by chapter 105, of the laws of 1889, relating to the care of the chronic insane.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 233, laws of 1881, as amended.

Board of Supervisors may build insane asylum.

SECTION 1. Section 1, of chapter 233, of the laws of 1881, as amended by chapter 105, of the laws of 1889, is hereby amended by adding to said section the following: The board of supervisors of any county in the state, with the consent of the state board of control, is hereby authorized to purchase a proper site within said county for an asylum for the chronic insane, and to erect thereon, upon plans, drawings and specifications to be approved by said state board of control, suitable buildings for the care of such insane, and to levy taxes and issue bonds to defray the cost of purchasing such site and erecting such buildings and maintaining the same.

Previous action legalized.

SECTION 2. All previous acts of the board of supervisors of any county in the state referring to the purchase of a site and the erection of an asylum thereon for the chronic insane are hereby legalized.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893

No. 665, A.] [Published April 28, 1893.

CHAPTER 253.

AN ACT to provide for the drainage and reclamation of certain lands in Manitowoc and Calumet counties.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Drainage commissioners, petition for appointment of.

SECTION 1. Whenever twenty-five or more owners of wet or overflowed lands of the counties of Manitowoc and Calumet, which, in their opinion, will be benefited by a system of drainage, and who shall be of the opinion that the public health or welfare will be promoted thereby, shall desire to institute proceedings for drainage and reclamation of said wet or overflowed lands in Manitowoc and Calumet counties, either by constructing, extending, opening, enlarging, widening, straightening or deepening the Manitowoc river and tributary water courses, or removing natural or artificial obstructions therefrom as herein provided, they may apply to the circuit court for Manitowoc or Calumet county at any term thereof, or to the presiding judge thereof by petition, for the institution of such proceedings and the appointment of three commissioners to be known as drainage commissioners of drainage district number One, Manitowoc and Calumet counties. Such petition shall specify in general terms the nature of the improvements desired to be made as near as may be, without preliminary survey, the amount of lands to be benefited thereby, and the benefits to the public health or convenience and to private property, which it is believed will result from such system of drainage, and that such system of drainage is practicable. The petition shall also specify in general terms, the stream or streams, or water courses, proposed to be dredged, widened, deepened, straightened or altered, and the particular obstructions to be removed as far as known to petitioners, and that in the belief of the petitioners the costs, damages and expenses will be less than the benefits which will result

Petition, what to specify.

to the owners of the lands likely to be benefited thereby; and if any town or city as a whole will be benefited by such system of drainage, the petitioners may so state, setting forth the nature of such benefits. Any town or city benefited by said system of drainage may join in said petition. Said petition may also inform the court or presiding judge thereof of any other matters relative or pertinent to the matter. Such petition shall be verified by the oath of one or more persons and shall be filed with the clerk of said court.

Appointment of commissioners.

SECTION 2. Upon the filing of such petition, the court or presiding judge thereof, shall make an order prescribing the notice to be given of the time and place of hearing the said petition, which notice shall be given to all parties interested by publication of the same in one newspaper printed in each of said counties, not less than once in each week, for four successive weeks before the date fixed for the hearing. On presenting such petition with due proof of publication of the notice as required by said order, the court or presiding judge shall make an order appointing three disinterested and competent freeholders of said counties, as commissioners, and the said court or judge shall then and there fix the time and place for the first meeting of the commissioners. The commissioners shall, before entering upon their duties, take and subscribe an oath that they will support the constitution of the United States, and the constitution of the state of Wisconsin, and to faithfully discharge their duties as commissioners to the best of their abilities; and in case any commissioner shall not take such oath or qualify, or any vacancy shall happen in the said commission, on representation of the fact by the verified petition of one of said commissioners who has qualified, said presiding judge or court shall appoint a person qualified as above in place of such commissioner who has failed to qualify, or in the place of any commissioner who has resigned or become deceased. The removal of any commissioner outside of the boundaries of said two counties shall vacate his office. Each commissioner shall execute a bond before entering upon the duties of said office, to be filed with the clerk of court of the county

Oath.

Vacancy, how filled.

Bond to be given.

wherein said petition is filed as obligee for the benefit of all persons interested, in amount and with sureties, to be approved by the court or presiding judge, conditioned to the faithful discharge of his duties as such commissioner, and the faithful accounting for and application of all moneys which shall come to his hands as such officer. The said clerk shall, upon due qualification of the commissioners, issue to them a certified copy of the order of their appointment.

Commissioners, powers of.

SECTION 3. The said commissioners are hereby authorized and empowered to remove or cause to be removed, first, the dam, dams or other artificial obstructions in and across the Manitowoc river at Cato Falls, in Manitowoc county, as hereinafter provided; and thereafter, to remove or cause to be removed all other obstructions at any place or places at or above said Cato Falls, in said Manitowoc river and tributary water courses, which caused or cause certain swamp lands within said counties of Manitowoc and Calumet, or either of them, to be overflowed with water or otherwise injured or impaired in value, and infected with disease germs endangering public health, at any season of the year; and for that purpose said commissioners may lower or cause to be lowered the bed of the said Manitowoc river, and tributary water courses, and cause to be dug, made, built and constructed, all such canals, ditches, sluiceways, dykes and embankments, as said commissioners shall deem necessary, to effectually drain and reclaim said swamp lands infected with disease germs endangering public health, and to protect the same, so far as may be, against any further overflow from high water caused by obstructions placed in said Manitowoc river and tributary water courses; and for that purpose the said commissioners, their superintendents, agents, contractors or servants shall have further power and authority to enter upon any adjoining lands and make ditches, sluiceways and do other work necessary to the drainage and reclamation of the said swamp lands herein referred to, and to promote the general welfare and public health of said counties. And for the purpose of enabling said commissioners to carry out the said drainage and reclamation of the said swamp lands in

May make ditches, etc.

the said counties of Manitowoc and Calumet, as aforesaid, the said commissioners are hereby authorized and empowered to enter into negotiations with the owner or owners of said dam or other artificial obstructions and of said lands adjoining said Manitowoc river and tributary water courses, so to be appropriated and used as aforesaid, for the purposes aforesaid, and to make agreements or contracts with said owner or owners thereof, for the amount or amounts to be paid therefor, and to pay for the same, out of the moneys herein and hereby appropriated, and to take lawful deeds of conveyance therefor, in the name of and to the state of Wisconsin.

May purchase dam.

Commissioners, duties of.

SECTION 4. It shall be the duty of said commissioners, as soon as practicable, after their appointment and qualification as aforesaid, to carry into full effect the provisions of this act for the removal of said dam or other artificial obstructions, and for the purchase of said lands adjoining said Manitowoc river and tributary water courses, and to pay for the same, such sum or sums of money, as they shall have found necessary and agreed upon, out of the moneys herein and hereby appropriated. The balance of said moneys herein and hereby appropriated shall be expened by them, the said commissioners, for any and all other improvements necessary for the complete drainage and reclamation of said swamp lands as herein provided.

Surveys, specifications, etc., to be made.

SECTION 5. It shall be the duty of said commissioners, before commencing the work deemed necessary to be done to accomplish the draining and reclaiming of the said swamp lands in said counties, to require a civil engineer or surveyor to submit to them plans and specifications and estimates of the cost of all the work deemed necessary to be done, to accomplish the objects contemplated by the provisions of this act, and after such surveys, plans, specifications and estimates shall have been so made and submitted, the said commissioners shall meet and determine upon the plans by which the various portions and kinds of such work shall be prosecuted and completed, and shall advertise for proposals for contracts for such work, by giving notice thereof, of the time and place of the letting of said contracts, and where such plans and

Proposals for contracts.

specifications can be seen, by publication of such notice, for four weeks successively before the day fixed for the letting of said contracts, and the last publication shall not be more than ten days before such day, in one of the newspapers published in each of said counties; and the said commissioners shall let such contracts to the lowest responsible bidders; provided, that no such contracts shall be let unless the provisions thereof shall be guaranteed by one or more responsible sureties, to be approved by said commissioners; and provided that no member of said commissioners of public lands shall be or become interested, either directly or indirectly, in any such contracts.

Contracts to be guaranteed.

SECTION 6. For the purpose of enabling and aiding in carrying into full effect the provisions of this act, the said commissioners are hereby authorized and empowered to use and employ all the money or moneys belonging to the swamp land fund of the said counties of Manitowoc and Calumet, in whatsoever fund or funds the same may now be; and it is hereby made the duty of the commissioners of public lands, within sixty days after the passage and publication of this act, to ascertain the amount of money due the said counties of Calumet and Manitowoc, for and on account of money properly belonging to said counties as the proceeds of the sales of swamp lands, in whatsoever fund or funds the same may be; and the said commissioners of public lands shall thereupon certify the amounts so found due to said counties of Calumet and Manitowoc to the secretary of state, who shall forthwith draw warrants for the amounts so certified, in favor of said counties, upon the state treasurer; and there is hereby appropriated, out of the general drainage fund, a sum sufficient to pay the warrants drawn under the provisions of this act; and the said warrants shall be paid out of the sum so herein appropriated.

Appropriation of moneys in swamp land fund belonging to Manitowoc and Calumet counties.

SECTION 7. The provisions of this act shall be liberally construed to promote the drainage and reclamation of the said swamp lands in said counties of Manitowoc and Calumet, and to promote the general welfare and public health of said counties; and all costs and expenses incurred by the said commissioners, their attorneys, agents or servants, in carrying into effect the provisions

Act to be liberally construed.

of this act, shall be paid out of the funds or moneys herein named.

SECTION 8. All acts or parts of acts so far as the same are in conflict with the terms and provisions of this act, are hereby repealed.

SECTION 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 629, A.] [Published April 28, 1893.

CHAPTER 254.

AN ACT to regulate the drainage and sewerage in the Menominee and Kinnickinnic river districts in Milwaukee county.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Drainage, etc., to be filtered or clarified.

SECTION 1. It shall be unlawful for any person, company, corporation, home or institution to drain any substance, fluid or solid, into the Menominee or Kinnickinnic rivers outside the city limits of Milwaukee, or into any stream, branch, ravine or water shed connected with said rivers, unless such drainage or sewerage be treated by filtration or any other clarifying process, which shall be recommended by the said board, and then only the effluent of such drainage or sewerage shall be allowed to enter said Menominee or Kinnickinnic rivers, or any stream, banch, rravine or water shed connected therewith, when such effluent shall have been approved by the state board of health.

Penalty.

SECTION 2. Any person, company, corporation, home, or institution, violating the provisions of section 1, of this act, upon conviction thereof, shall be fined not less than one hundred dollars, nor more than five hundred dollars for each and every offense, or be imprisoned in the county jail not less than thirty, nor more than ninety

days, or both, in the discretion of the court before whom such conviction may be had.

District attorney to prosecute.

SECTION 3. It is hereby made the duty of the district attorney in the district where any violation of this act shall occur, to institute proceedings against any such person, company, corporation, home or institution, as may violate the same, upon complaint being made to him in writing by any member or members of the state board of health.

SECTION 4. All acts or parts of acts, so far as the same are in conflict with the terms and provisions of this act, are hereby repealed.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 628, A.] [Published April 28, 1895.

CHAPTER 255.

AN ACT to authorize and direct the state board of health to investigate and recommend a proper system of sewerage of the Menominee and Kinnickinnic valleys, in the county of Milwaukee; and to report thereon at the next session of the legislature.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

State board of health to recommend system of sewerage.

SECTION 1. The state board of health is hereby authorized and directed to investigate, consider and report at the next session of the legislature upon a general system of sewerage for the relief of the valleys of the Menominee and Kinnickinnic rivers, and so much of the territory as is tributary thereto, as in the opinion of said board may be deemed advisable for the public health for the city of Milwaukee, and town or towns, village or villages adjacent thereto and within the proposed territory, or so much of said city, town or towns, village or villages, as may in the

opinion of said board be best relieved by the use of such system; provided, the board of supervisors of the county of Milwaukee shall appropriate the money to pay the expense thereof, as hereinafter provided.

Expense, how paid.

Territory embraced in system to be designated.

SECTION 2. It shall be the duty of said board of health, to designate the city, town or towns, village or villages, the whole or parts thereof, which shall be tributary to and embraced in the territory and system so to be reported, and to describe the same in their report with plans, specifications and maps, and they shall also show by suitable plans, specifications and maps, such trunk line or lines, and main branches thereto, as it shall recommend to be constructed.

Methods of using system to be defined.

SECTION 3. The said board of health shall further consider, report and define the methods by which said city, town or towns, village or villages, or parts of said city, town or towns, village or villages, may utilize said trunk line and main branches as an outlet of a system of sewerage for said city, town or towns, village or villages, or such parts thereof as said board shall recommend, and show the same by such plans and maps.

Surveys and levels to be made.

SECTION 4. The said board of health shall cause such surveys and levels to be made as will enable said board to determine approximately the location and grades of said trunk line and main branches, and also such surveys and levels of the territory which the said board shall determine should be tributary to such trunk line or lines and main branches as will enable said board to determine the method by which the said city, towns and villages, or parts thereof may respectively utilize such system, and report thereon.

Capacity of trunk lines, etc. to be defined.

SECTION 5. Said board of health shall also recommend and define the size and capacity of the trunk line or lines and main branches, and the materials of which they should be constructed, the manner of construction, and such other particulars as will enable the board to determine the probable expense thereof.

Certain conditional contracts for use of system may be made.

SECTION 6. The said board of health is hereby authorized to enter into a conditional contract with the board of the national home for disabled volunteer soldiers, near Milwaukee, for the use of such system of sewerage by said home, with

the board of supervisors of Milwaukee county for the use of said system of sewerage by the county hospital, by the Milwaukee county hospital for the chronic insane, and by the almshouse, either or any of them, and with the board of trustees of the Milwaukee hospital for insane for the use of said system, and said board of supervisors of Milwaukee county, and said trustees of said Milwaukee hospital for insane are hereby authorized and empowered to enter into a like conditional contract with the said state board of health, upon such terms as may be agreed upon, which contracts shall be subject to the ratification and approval of the legislature of the state of Wisconsin; and the said state board of health shall report to the next legislature the terms of any such contract as may be embraced in this section, together with their recommendation thereon.

Territory benefited to be described; taxes, etc.

SECTION 7. It shall be the duty of said board of health to describe the territory which in their judgment will be benefited by such system of sewerage, and which should be assessed for the purpose of raising a fund to pay for the expenses hereinafter mentioned, and for the cost of the construction of said system of sewerage, and also to recommend the manner and method of the assessment of the taxes and the collection thereof for that purpose, and in determining the method of assessment, the board may consider the special and peculiar benefits which any property may receive on account of any peculiar uses or business to which such property may be devoted, requiring the use of such sewer. And said board of health shall also recommend, if they deem advisable, the terms and conditions upon which the county of Milwaukee and the state of Wisconsin shall use such system of sewerage for the benefit of the institutions above mentioned, and what proportion, in their judgment, the county of Milwaukee and the state of Wisconsin should pay towards the construction of said sewerage system for the use thereof by the said institutions respectively.

May employ assistance.

SECTION 8. The said state board of health is authorized to employ such assistance as they shall deem advisable to enable them to perform the duties under this act.

Appropriation.

SECTION 9. The county board of supervisors of Milwaukee county is hereby authorized to levy and appropriate out of any funds not otherwise appropriated, the sum of not exceeding ten thousand dollars, for the purpose of carrying out the provisions of this act, which sum shall be deemed a part of the expense of the construction of such sewer system, and the same shall be repaid to the said county of Milwaukee, with interest thereon at the rate per cent. *per annum* received by said county on its deposits, out of the funds to be hereafter raised for the construction of such sewer system.

Account of expenses, etc.

SECTION 10. The said board of health shall keep an itemized account of the expenses incurred by them under this act, and shall from time to time, report the same to the said board of supervisors of Milwaukee county, and upon the approval of the same by said board of supervisors, said board of supervisors shall cause the amount thereof to be paid said state board of health, not exceeding in all, however, the sum of ten thousand dollars.

SECTION 11. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 683, A.] [Published April 28, 1893.

CHAPTER 256.

AN ACT to amend sections 3314, 3321, 3322 and 3324, of chapter 143, of the Annotated Statutes, entitled "Of liens."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 3314, S. & B's. Anno. Stats.

SECTION 1. Section 3314 of the Annotated Statutes, is hereby amended by inserting after the word "well" where the same occurs in the tenth, fifteenth, twenty-first and twenty-sixth

lines of said section, the word "cellar;" by inserting after the word "curbing," in the twelfth line of said section, the words "or the doing of any grading, filling or leveling, or the grading, graveling or making of any street, alley, roadway or gutter," by inserting after the word "situated," where the same occurs in the seventeenth line of said section, the words "or grading, filling or leveling is done, or any street, alley, roadway or gutter is graded, graveled or made;" by inserting after the word "labor," in said seventeenth line of said section, the words "or grading, filling or leveling, or grading, graveling or making of any street, alley, roadway or gutter;" by inserting after the word "labor" in the twenty-third line of said section, the words "grading, filling or leveling, or grading, graveling or making of any street, alley, roadway or gutter," and by inserting after the word "thing," in the fifty-ninth line of said section, and immediately before the last paragraph of said section, the words "and whenever the doing of any work or labor, or the furnishing of any material for which a lien is given by this section, shall consist of the grading, filling or leveling of land, or the grading, graveling or making of any street, alley, roadway or gutter thereon or over, where such land is situated within the limits of an incorporated city or village, and said material is furnished or said work done upon more than one acre, under a contract for the improvement of more than one acre in the manner aforesaid, then and in every such case the limitation to one acre in this section contained shall not apply, but the party entitled shall have a lien upon all of the land upon which said work is done, or for the improvement of which said material is furnished, and the claimant may make and file a single petition or claim for a lien on all of the same; provided, however, that the lien given by this chapter for grading, filling or leveling land, or grading, graveling, or making any street, alley, roadway or gutter thereon, shall not exist when such work is done, or the material necessary for the doing of the same is furnished under contract with or by direction of any city or village;" so that said section, as so amended, shall read as follows: Section

What property liable to lien for labor, materials, etc.

3314. Every person who, as principal contractor, architect, civil engineer or surveyor, performs any work or labor, furnishes any materials, or prepares any plans or estimates for, in or about the erection, construction, repairs, protection or removal of any dwelling house or other building, or any machinery erected or constructed so as to be or become a part of the freehold upon which it is to be situated, or of any bridge, or in the filling up of any water lot, or the construction thereon of any wharf or permanent erection, or in the dredging of the channel in front of such water lot, or in digging or constructing any well, cellar or fountain, or in digging, building or repairing any fences upon land, and the making or repairing of any walk, sidewalk or curbing, or the doing of any grading, filling or leveling, or the grading, graveling or making of any street, alley, roadway or gutter upon land, irrespective of any easement on or over said land, or doing manual labor thereon, shall have a lien thereupon, and upon the interest of the owner of such dwelling house, building, machinery, bridge, wharf, erection thereon, well, cellar, fountain or fence, walk, sidewalk or curbing in and to the land upon which the same is situated, or grading, filling or leveling is done, or any street, alley, roadway or gutter is graded, graveled or made, or of the person causing such manual labor, or grading, filling or leveling, or grading, graveling or making of any street, alley, roadway or gutter to be done, and upon the water lots so filled, or in front of which such dredging is done, not exceeding forty acres, or if within the limits of an incorporated city or village, upon the piece or parcel of land used or designed for use in connection with such dwelling house, building, machinery, bridge, wharf, erection thereon, well, cellar, fountain or fence, walk, sidewalk or curbing, or upon such water lot or land on which such manual labor, grading, filling or leveling, or grading, graveling or making of any street, alley, roadway or gutter, is done, not exceeding one acre. Such lien shall be prior to any other lien which originates subsequent to the commencement of the construction, re-

Limitation.

Priority of lien.

pairs, removal or work aforesaid, of or upon such dwelling house, building, machinery, bridge, wharf or erection thereon, well, cellar, fountain, fence, walk, sidewalk or curbing, water lot or land, and shall also attach to and be a lien upon the real property of any person on whose premises such improvements are made, such owner having knowledge thereof and consenting thereto, and may be enforced as provided in this chapter. In case any person shall order or contract for the purchase of any machinery to be placed or connected to or with any building or premises, and such person not having an interest in such building or premises in, or connected with, which such machinery is placed sufficient for a lien, as provided for in this chapter, to secure payment for said machinery, the person furnishing such machinery, shall have and retain a lien upon such machinery and shall have the right to remove from such building or premises such machinery, in case there shall be default in the payment of such machinery when due, leaving such building or premises in as good condition as they were before such machinery was placed in or on the same. And whenever the doing of manual labor on land for which a lien is given by this section, shall consist of the building of a continuous roadbed or structure designed or intended for use as a single thing, or as a part of a single thing, and such roadbed or structure is not limited in extent to one acre of land in an incorporated city or village, or to forty acres of land outside such city or village, but extends over and across more than forty acres of land, whether within or without, or partly within and partly without such city or village, then in every such case, the limitation to an acre, or forty acres, as the case may be, in this section contained, shall not apply, but the party entitled shall have a lien upon all the interests of the owner in and to the whole of said continuous roadbed and structure, and the whole of the land of the owner on which the same is constructed, or which is intended to be used or is used for the purpose of such roadbed or structure, and the claimant may make and file a single petition or claim for a lien on all of the same, which petition or a copy thereof shall be filed

Lien upon machinery.

Lien for continuous roadbed, etc.

in the office of the clerk of the circuit court of such county in which such roadbed is situate, or partly situate, and such lien may be foreclosed or enforced by the party entitled thereto in the circuit court of any of the said counties in which the said claim or petition is so filed, and in the enforcement of such lien the said roadbed or structure, if sold, shall be sold as one continuous and single thing. And whenever the doing of any work or labor, or the furnishing of any material for which a lien is given by this section, shall consist of the grading, filling or leveling of land, or the grading, graveling or making of any street, alley, roadway or gutter thereon or over, where such land is situated within the limits of an incorporated city or village, and said material is furnished or said work done upon more than one acre under a contract for the improvement of more than one acre, in the manner aforesaid, then and in every such case the limitation to one acre in this section contained shall not apply, but the party entitled shall have a lien upon all of the land upon which said work is done or for the improvement of which said material is furnished, and the claimant may make and file a single petition or claim for a lien on all of the same; provided, however, that the lien given by this chapter for grading, filling or leveling land, or grading, graveling, or making any street, alley, roadway or gutter thereon, shall not exist when such work is done, or the material necessary for the doing of the same is furnished under contract with or by direction of any city or village. This act shall apply in all cases in which the time for filing liens has not yet expired, and shall take effect and be in force from and after its passage and publication.

Lien for grading land, etc.

Act applies where time for filing lien is unexpired.

Amends sec. 3321, S. & B's Anno. Stats.

SECTION 2. Section 3321, of the Annotated Statutes, is hereby amended by inserting after the word "well," where the same occurs in the seventh line of said section, the word "cellar," and by inserting after the word "lot," where it occurs in the eighth line of said section, the words "or in the grading, filling or leveling of the same land, or the grading, graveling or making of any street, alley, roadway or gutter

thereon or over;" so that said section, as so amended shall read as follows: Section 3321. Any person having so filed such claim for a lien, may foreclose the same by action in the circuit court or any county court having jurisdiction thereof. All persons having filed such claims for liens, or work done or materials furnished, in the construction, repair, protection or removal of or upon the same dwelling house, or other building, or the same machinery, bridge, wharf, well, cellar, fountain, cistern, fence or water lot, or in the grading, filling or leveling of the same land, or the grading, graveling or making of any street, alley, roadway or gutter thereon or over, may join as plaintiffs; and if any do not so join, or refuse to so join, they may be made parties defendant. All persons having liens upon the premises by mortgage, judgment or otherwise, subsequent to the lien sought to be foreclosed, and all purchasers of the premises subsequent to such lien, may be joined as parties defendant. In case any person who has filed such claim for lien prior to the commencement of such action or who has such subsequent lien, or who is such subsequent purchaser, is not made a party to such action, he may, upon application at any time before judgment, be made a party defendant thereto, and any person who shall file such claim for a lien after the commencement of such action, or who shall obtain such subsequent lien by mortgage, judgment or otherwise, or become such subsequent purchaser after the filing of the notice of the pendency of such action, may, at any time before judgment, upon application, be made a party defendant thereto. If such action be brought by a subcontractor, the principal contractor may also be made a party defendant thereto.

Lien, how may be foreclosed.

Parties.

New parties may be brought in.

SECTION 3. Section 3322, of the Annotated Statutes, is hereby amended by inserting after the word "of," which follows the word "commencement," in the nineteenth line of said section, the words "the furnishing of the material, or," and by inserting after the word "well," where the same occurs in the twenty-first line of said section, the words "cellar," so that said section, when so amended, shall read as follows: Section 3322. The complaint in such action shall be sufficient if it set forth the con-

Amends sec. 3322, S. & B's. Anno Stats.

Complaint, what to set forth.

tract in substance, under which such work was done, or material furnished, with the last date of doing or furnishing the same, and the assignment of the claim, if any; and allege that the plaintiff or his assignee has filed a claim for a lien therefor, as required by law, giving the date of such filing, that such work was done or materials furnished for some of the purposes mentioned in section 3314, stating for what particular purpose, the amount claimed to be due to the plaintiff or plaintiffs respectively; and give a description of the premises claimed to be affected by such lien; as to defendants who have filed claims for liens on said premises, under the provisions of this chapter, that they have filed such claims, giving the date of filing and the amount claimed by each; as to defendants having subsequent liens or being subsequent purchasers, that they have or claim to have some lien upon the premises, subsequent and subject to the lien of the plaintiff, and shall demand judgment, that the demands of all persons having filed claims for liens upon such premises, whether plaintiffs or defendants, be ascertained and adjudged; and that the interest of the person owning such premises at the time of the commencement of the furnishing of the material, or the construction, repairs, removal or work of or upon the dwelling house, building machinery, bridge, wharf, or erection thereon, well, cellar, fountain, cistern, fence, water lot or land, on account of which such liens are claimed, or which he or any other person claiming under him has since acquired, be sold to satisfy the amount of the liens so ascertained and adjudged, with the costs of the action. If the action be brought by a subcontractor, the complaint shall also set forth in substance the contract between him and the contractor, and allege that he gave the notice required by section 3315, and the date of the service thereof.

Amends sec. 3324, S. & B's. Anno. Stats.

SECTION 4. Section 3324, of the Annotated Statutes, is hereby amended by inserting after the word "well," where the same occurs in the seventh line of said section, the word "cellar," so that said section when so amended shall read as follows: Section 3324. The judgment in such action shall adjudge the amount due to the

Judgment.

plaintiff, or in case several claims or liens are embraced in the action, the amount due to each claimant who is a party to the action. It shall direct that the interest of the owner in the premises at the time of the commencement of the construction, repairs, removal, or work of or upon the dwelling house, building, machinery, bridge, wharf or erection thereon, well, cellar, fountain, cistern, fence, water lot or land, on account of which such liens are claimed, or which he or any person claiming under him has since acquired or so much thereof as may be necessary, be sold to satisfy the amount of the lien of the plaintiff, or of the several liens embraced in the action, with the costs of such action, including the costs of filing the claims for liens; and that after satisfying the same, together with such costs, that the residue of the proceeds be brought into court with the report of sale, to abide the order of the court. If the premises can be sold in parcels, without injury to, or to the advantage of the parties, the court may adjudge that the sale be so made. If the plaintiff, in any such action, fails to establish his lien upon the premises described in his complaint, and claim for lien, but establish a right to recover upon contract for his alleged work and labor done, or materials furnished, he may have a personal judgment in the action against the party liable for the amount due him, with or without costs, to be taxed in his favor, or in favor of the defendant, in like manner as if the action were for the recovery of money only.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 386, A.] [Published April 21, 1893.

CHAPTER 257.

AN ACT to amend sections 2505, 2506 and 2513, of chapter 115, of the Annotated Statutes of Wisconsin, entitled "Of other courts of record," and relating to the municipal court for Milwaukee county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 2505, S. & B.'s Anno. Stats. Clerk may appoint deputy and assistant clerk.

SECTION 1. Section 2505, of the Annotated Statutes of Wisconsin, is hereby amended so as to read as follows: Section 2505. Said clerk may appoint a deputy clerk and an assistant clerk who may perform the clerk's duties in his absence from his office and for whose acts said clerk, and the sureties upon his official bond shall be liable. The appointment shall be in writing, shall be subject to the approval of the judge, and shall be filed in said court, and may be revoked at the pleasure of the judge or clerk. Such deputy and assistant clerk, before entering upon their duties, shall take and subscribe the oath of office prescribed in the constitution, which oath shall be filed in the office of the clerk of said city; in case of a vacancy in the office of clerk for any reason, such deputy shall perform the duties of clerk until the vacancy is filled.

Oath of office

Amends sec. 2506, S. & B.'s Anno. Stats. Duties of clerk, deputy and assistant clerk.

SECTION 2. Section 2506, of the Annotated Statutes of Wisconsin, is hereby amended so as to read as follows: Section 2506. The clerk of said court shall have the care and custody of all books, papers and records of the court; he or his deputy and assistant clerk shall be present at all trials and examinations held in said court; he or his deputy and assistant clerk may administer all necessary oaths, and may take and certify the acknowledgments of all deeds and other instruments required or authorized to be acknowledged; he or his deputy and assistant clerk shall keep minutes of all the proceedings, reduce to writing the evidence given on criminal examinations for use before the grand jury, enter the judgments, issue com-

mitments and executions to enforce the same, and make up and keep the records of the court in all cases therein under the direction of the judge; he or his deputy and assistant clerk shall issue all process under his hand and the seal of the court, and attest it in the name of the judge signing it by his title of office, and shall tax costs. Said clerk shall, in the presence of the sheriff of said county, draw the grand and petit juries for said court in the same manner and upon the like notices required by law for drawing such juries in circuit courts. the list of which jurors shall be made out by the county board of said county at the annual meeting in November, and certified to the clerk of said court by the county clerk, and shall embrace the names of four hundred and thirty-two qualified electors of said county, to serve as petit jurors, and one hundred names of such electors to serve as grand jurors. Such clerk or his deputy and assistant clerk may issue warrants upon complaint filed in writing and upon oath in all cases; and in city prosecutions and complaint and warrant shall be in substance in the form hitherto used in said court. In offenses not indictable, he shall enter upon the record of the court a statement of the offense charged, which shall stand as the complaint unless the court or judge shall direct a formal complaint to be made; and the defendant's plea shall be guilty or not guilty, and shall be entered by the clerk as not guilty on failure to plead, which plea of not guilty shall put all matters in such case at issue. Such clerk may take bail from persons arrested when the court is not in session, subject to revision by the court, and shall also, under like direction of the judge, do all other acts necessary to carry out the jurisdiction herein given to said court. He shall also under the direction of the common council of said city procure and furnish all necessary blanks, stationery, book and paper cases, desks, record books, office furniture, lights and fuel for the use of said court and its clerks at the expense of said city. He may be removed from office by said judge for incompetency, failure to pay over moneys as required by law, or other official misconduct or wilful or habitual neg-

Draw juries.

Issue warrants.

Take bail.

Removal from office.

lect to perform the duties of his office. On such removal such judge may appoint some person to fill the vacancy, until it is filled by election, unless it occurs within twenty days before or after the first Tuesday of April, and then for the residue of the term, and the person so appointed shall have all the powers and be subject to all the duties and liabilities of such clerk. Such clerk shall account for and pay over to the treasurer of said city, on the first Mondays of January, April, July and October, all fines, penalties, clerks' and other fees, except witnesses' fees collected and other moneys belonging to the treasury of the city or county of Milwaukee which may have come into his hands as clerk up to the day of such payment, and shall also account for and pay over to said city treasurer on the first Mondays of January and July in each year, all witnesses' fees which may have come to his hands as such clerk, up to the day of payment, and which have not been paid to the persons entitled thereto, which witnesses' fees may be paid by said treasurer to such persons upon the certificate of said clerk, specifying the name of the person entitled thereto, the amount due him, and the title of the cause in which he was a witness.

Account for fees, etc.

Amends sec. 2513, S. & B.'s Anno. Stats.

Salaries of judge, clerk, etc.

Fees.

SECTION 3. Section 2513, of the Annotated Statutes of Wisconsin, as amended by chapter 333, of the laws of 1891, is hereby amended so as to read as follows: Section 2513. The salary of said judge shall be three thousand six hundred dollars *per annum*; of said clerk three thousand dollars *per annum*; and of said deputy clerk, eighteen hundred dollars, and of said assistant clerk, twelve hundred dollars *per annum*; all payable monthly at the end of each month by the city of Milwaukee. The fees of the clerk, witnesses, jurors, sheriffs, other officers and taxable costs of suit, shall be the same as in circuit courts, except that in cases that would otherwise be cognizable by a justice of the peace, the costs shall be paid in criminal prosecution in the name of the state by the county; and in the city prosecutions by the city when not otherwise collected upon the certificate of the clerk as in circuit courts.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 17, 1893.

No. 159, A.] [Published May 1, 1893.

CHAPTER 258.

AN ACT to repeal chapter 427, of the laws of 1864, entitled "An act to vacate Smith's addition to Janesville," and to restore, re-establish and make valid the recorded plat of said addition.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Repeals ch. 427, laws of 1864.

Plat made valid.

Limitation.

SECTION 1. Chapter 427, of the laws of 1864, entitled, "An act to vacate Smith's addition to Janesville," is hereby repealed, and said addition as originally platted upon the southeast quarter of section thirty-five, town three north, of range twelve east, and the original plat thereof, as recorded in the office of the register of deeds for Rock county, are hereby restored, re-established and declared to be valid; provided, nothing in this act contained shall be construed as opening or authorizing the opening of any street not heretofore opened and used by the public as a street, and provided further, that no vested right shall be effected by the passage of this act.

Conveyance according to plat valid.

SECTION 2. Every conveyance, deed or contract heretofore made, or which shall be hereafter made, of any lot or part of a lot, in said addition, describing said lot or part of a lot, according to said plat, or referring to the recorded plat of said addition, is, and shall be valid and binding, as though said chapter 427, of the laws of 1864, had never been enacted, and no person shall be liable for any penalty for having at any time offered for sale, disposed of, or leased, any lot or part of a lot designated upon any recorded plat of said Smith's addition to Janesville.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 548, A.] [Published May 1, 1893.

CHAPTER 259.

AN ACT to provide county and city depositories and regulate the deposit of public moneys therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

County depository, what may be.

SECTION 1 Any bank, banks or banking institutions, which shall be approved by the board of supervisors of any county in this state, may, upon filing bonds as hereinafter provided, and upon compliance with all other requirements of law, become a county depository.

Bond to be given.

SECTION 2. Every such county depository, before it shall be entitled to receive any public moneys shall file with the county clerk a good and sufficient bond, conditioned for the payment upon demand to the county treasurer, or to his order, all moneys deposited with it, and of interest thereon, at the rate agreed upon as hereinafter provided, with not less than three sureties, residents and freeholders of this state, who shall together be worth in property within the state, not exempt from execution, over and above their debts and liabilities, double the amount of the penalty of said bond, and who shall justify such responsibility by their several affidavits, which said bond and sureties shall, before such filing, have been approved by the county board of supervisors.

County clerk to advertise for proposals to receive.

SECTION 3. It shall be the duty of the county clerks in the several counties of the state, each year, to advertise in one or more newspapers, published in their respective counties, (or, if the public interest require, in one or more newspapers in other counties of the state), for at least two weeks before the annual meeting of the

County funds on deposit.

county board, for proposals to receive the county funds on deposit for one year from the first day of the following January, which proposals shall be filed at least one day before the meeting of the county board with the county clerk, and shall state the rate of interest the bidder will pay on

daily balances, the interest to be computed and credited to the county at the end of each month, and on condition that such deposits and accrued interest shall be held subject to draft and payment at all times on demand. After advertising as above provided, and opening any bids that may be received, it shall be the duty of the county board to designate, in its discretion, a county depository. If said board at any time after such designation, for good and sufficient causes, deem the surety given insufficient, it may require a new bond, and if, in its opinion, the public interest require, it may vacate, revoke or modify its designation of a depository in any way, and may again designate a depository or depositories in its discretion.

County board to designate depository

SECTION 4. Whenever any county board of any county shall designate a county depository, it shall be the duty of the county treasurer, as soon as such depository has filed the bond provided for in section 2, of this act, to deposit all funds that come into his hands as county treasurer, as soon as received in such depository, except as hereinafter provided; and any sum so on deposit, shall be deemed to be in the county treasury, and the county treasurer shall not be liable for any loss thereof resulting from failure or default of any such depository, and without fault or neglect on the part of said treasurer.

Treasurer to deposit funds.

Treasurer not to be liable for loss.

SECTION 5. The county board of each county is hereby authorized to fix the amount which may be retained by the county treasurer in the treasury; but in no case shall said sum exceed three thousand dollars, and whenever the sum in the treasury does not amount to the sum authorized to be retained, the treasurer and the county clerk may increase it to such amount by their check, in favor of such treasurer. Every county depository shall, on the first day of each month, and oftener, when required, file with the county clerk a statement of the amount of county moneys deposited with it, and the county treasurer at the same time shall file with the county clerk a statement showing the amount received and disbursed the previous month.

Amount to be retained in county treasury.

Depository to file statement of deposits.

SECTION 6. Whenever under the provisions of this act, a county depository has been designated, it shall, on or before the first day of the following December, file the bond required by section

Bond of depository, when filed.

2, of this act. The penalty of said bond shall be the same as is now required by law, in the case of bonds furnished by county treasurers.

SECTION 7. All acts or parts of acts contravening the provisions of this act are hereby repealed.

SECTION 8. This act shall take effect and be in force from and after its passage and publication

Approved April 18, 1893.

No. 294, A.] [Published May 1, 1893.

CHAPTER 260.

AN ACT to regulate the operation of dams, booms and other structures, authorized by any general or special law, in any navigable streams or waters within or forming the boundary line of this state, requiring reports and the payment of license fees.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Corporation, etc., operating dam, etc., to make annual report to secretary of state.

SECTION 1. Every corporation, company or person, owning, operating or controlling, in whole or in part, any dam, boom, sluiceway or other structure in any navigable stream or waters within, or forming a part of the boundary line of this state, used for the purpose of assorting, holding, storing, booming, brailing, sluicing or driving logs, ties, poles, or timber of any kind or description whatever, and which said corporation, company or person derives its authority to maintain, operate or control such dam, boom, sluiceway or other structure, under or by virtue of any general or special law of this state, shall, within ten days next preceding the first day of February in each year, make and return to the secretary of state, in such form as he shall prescribe and upon such blanks as he shall furnish, a true report specifically of all the receipts and expenditures and of the gross and

What to specify.

net earnings of such corporation, company or person, on account of such dam, boom or sluiceway, for the preceding calendar year and which report shall be verified by the oath of the secretary and treasurer of such corporation or company, or of the person so owning, operating or controlling such dam, boom, sluiceway or other structure; and every such report shall further show in detail the operations of the dam, boom, sluiceway or other structure, from the statements and records required by this act to be kept. And such reports shall further show, what local taxes are levied and assessed upon any and all such property for the year in which such report is made, stating the assessed valuation and the items of taxes as the same are carried out upon the tax roll.

Corporation, etc., to keep record.

SECTION 2. Every corporation, company or person owning, operating or controlling any such dam, boom, (or boom works or system of booms', sluiceways or other structures, shall keep or cause to be kept a true and complete account and record of all logs and timber and all other material taken, held, stored, boomed, sluiced, or otherwise managed or controlled in such boom, dam, sluiceway, or other structure, showing all log marks and other designations of ownership therein, and showing all unmarked and prize logs and the amount and value thereof.

License fee, corporation, etc., to pay.

SECTION 3. Each such corporation, company or person, so operating or controlling any such dam, boom, sluiceway or structure, on returning such report to the secretary of state, shall pay to the state treasurer an annual license fee of two *per centum* of the gross earnings of such corporation, company or person, by reason of such dam, boom, sluiceway or structure, including in such earnings all logs, timber and other materials owned by such corporation, company or person, computed at the maximum rate which such person, company or corporation is authorized to charge to other parties; provided, however, that whenever the property and improvements of any such corporation, company or person, necessary for the proper transaction of the business authorized by law as aforesaid, shall have been assessed in the town, city or village where the same is lo-

cated, and taxes levied thereon pursuant to law, then such corporation, company or person shall only be required to pay to the state treasurer an amount which in addition to the taxes levied as aforesaid shall be equal to a license fee of two *per centum* upon the gross earnings as aforesaid.

Failure to report, etc.; procedure.

SECTION 4. If any such corporation, company or person, operating or controlling any such dam, boom, sluiceway or structure, shall neglect to make such report, or shall make any false report, or shall fail or neglect to pay such license fee, or any part thereof, as hereinbefore provided, such corporation, company or person shall forfeit any or all rights, privileges and franchises, whether granted by special act or obtained under general laws of this state, by or under which any such dam, boom or sluiceway, or other structure, is operated; and the attorney general upon such neglect, or in case any false report be made, shall proceed in the proper court to have forfeiture of such rights, privileges and franchises duly declared, and any such corporation, company or person, at any time before judgment of forfeiture of such rights, privileges and franchises, is rendered, may, in the discretion of the court, be permitted to make the report and pay the license fee herein provided for, upon special application to the court in which the action to declare such forfeiture is pending upon such terms as the court shall direct.

Repeals ch. 422, laws of 1891. Cause of action thereunder not affected.

SECTION 5. Chapter 422, of the laws of 1891, approved April 24, 1891, and all other acts or parts of acts, special or general, conflicting with or contravening the provisions of this act, are hereby repealed; provided, however, that this act shall not be so construed as to affect in any wise whatever any cause or right of action, which shall have accrued under said chapter 422, laws of 1891.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 535, A.] [Published May 1, 1893.

CHAPTER 261.

AN ACT to authorize John Daly, J. E. Ingraham, Joseph Treat, their associates and assigns, to connect by a canal the waters of Roçky Run with the stream known as Little Yellow.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

John Daly, et al., authorized to build canals.

SECTION 1. John Daly, J. E. Ingraham, and Joseph Treat, and their associates and assigns, are hereby authorized and empowered to build, construct and maintain a canal for the purposes of transportation, irrigation and drainage, connecting the waters of the stream know as Rocky Run, in Wood county, with the creek known as Little Yellow in said county.

Location of canal.

SECTION 2. The head of said canal shall be located on the stream known as Rocky Run, at the north line of section fourteen, in township twenty-two north, of range two east, and shall extend thence southerly over the most feasible route to a point on section thirty-two, in township twenty-one north, of range three east, near where the said Little Yellow crosses the right of way of the Chicago, Milwaukee and St. Paul railway.

Width and depth.

SECTION 3. From the point where said canal shall cross the right of way of the Green Bay, Winona and St. Paul railway, to the terminus near the right of way of the Chicago, Milwaukee and St. Paul railway above described, said canal shall be maintained of sufficient width and depth, to float small boats, drawing not to exceed ' elve inches of water, and having a width of not exceeding four feet.

May build dam.

SECTION 4. For the purposes of supplying this canal with water, the said John Daly, J. E. Ingraham, and Joseph Treat, their associates and assigns, are hereby authorized to build, construct and maintain a dam on Rocky Run, at the line of section fourteen, and to draw water therefrom, to supply said canal, at the head of said canal, but they shall draw from said stream

at no time a quantity of water exceeding one-half the amount flowing therein.

Canal, when to be open; rates for transportation.

SECTION 5. Said canal shall be open to all persons for purposes of transportation of freight between the points named in section 2, of this act, from May 1st to October 20th, of each year, and the rates that may be charged for the use of said canal, for the purposes of transportation of freight thereon, shall not exceed one cent per hundred for each mile of transportation.

Adjacent cranberry growers may acquire interest, etc.

SECTION 6. All persons owning lands along the line of said canal, that are used for the cultivation of cranberries, may, at any time prior to the construction of said canal, acquire an interest therein. But the interest and control that may be acquired by any one in said canal, shall be to the whole interest, as the number of acres of cranberry vines that he has under cultivation is to the whole number of acres owned by all the parties interested therein; and when not needed for navigation therein, he may draw from said canal of the surplus water therein, in proportion to his interest, under such rules and regulations as may be agreed on by the parties interested.

Land for canal, how acquired.

SECTION 7. The persons above named, their associated, heirs and assigns, for the purpose of constructing and maintaining said canal, may acquire by purchasing or by condemnation proceedings, in accordance with the provisions of section 1379a, of the Annotated Statutes of Wisconsin, a strip of land two rods wide on each side of the center line of said canal, and the legislature reserves the right to amend, alter or repeal this act at any time.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 775, A.] [Published May 1, 1893.

CHAPTER 262.

AN ACT to authorize cities having a population exceeding twenty thousand, and less than one hundred thousand, to issue bonds in certain cases therein mentioned, and legalizing assessments for street and other improvements mentioned therein.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May issue bonds.

SECTION 1. All cities of the state having a population exceeding twenty thousand, and not exceeding one hundred thousand, to be determined by the last census, or by a census taken for that purpose by said city, are hereby authorized in addition to powers now possessed by them, to issue bonds as hereinafter provided.

May issue special bonds for special improvement; how payable.

SECTION 2. In all cases where general bonds shall have been issued for the payment of the cost of street, sewer, harbor, or other improvements, for which special assessments shall have been made against real estate benefited by such improvement, any such city may issue special bonds, payable only out of the proceeds of such special assessments when collected, and with the consent of the holder or holders of all such general bonds outstanding, may substitute such special bonds for such general bonds; or the common council of such city may, by resolution adopted by two-thirds of its members elect, for the purpose of reducing its general indebtedness, and substituting special bonds therefor, purchase for the lowest price at which they may be offered after three weeks' notice by publication, any such outstanding general bonds out of any funds in its treasury not otherwise appropriated, and required for any purpose within six months from the date of such purchase; and thereafter shall immediately issue in lieu of such general bonds, special bonds as hereinafter provided, to the amount of the par value of the bonds so purchased, or for such less amount as shall equal the cost of such bonds so purchased, and shall

How may be substituted for general bonds.

sell such special bonds, and out of the proceeds of such sales shall reimburse itself for the funds with which such general bonds shall have been purchased. Such special bonds shall be semi-annual interest coupon bonds, payable in annual installments, the last of which shall be payable at such time as the common council may determine, not exceeding ten years from the first day of March next ensuing, and shall draw interest at a rate not exceeding six *per centum per annum*; and shall specify upon their face, that they are issued for the payment of special improvements, designating the particular improvement for which they are issued; that they are payable, principal and interest, out of the special assessment made for such improvement only; shall in general terms designate the particular property upon which they are a lien, and may contain such other provisions and recitals, not inconsistent herewith, as the common council may determine; they shall be signed by the mayor and countersigned by the clerk of said city, and shall have the corporate seal affixed thereto. The city clerk shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds, in his office. The city treasurer shall pay the interest and principal of said bonds out of the assessments collected therefor, as the said bonds become due; provided, however, that said city may loan from its general fund to any of the special assessment funds herein mentioned, any amount of money which shall be necessary to pay any installment of principal or interest upon said bond, which shall become due and payable prior to the collecting of any assessments, for the payment thereof. Such cities are hereby further authorized and empowered to issue special installment improvement bonds of the same character as those here in provided for, for the payment of the cost of any street, harbor, sewer or other improvement, hereafter to be made, and for which special assessments shall have been made against the real estate specially benefited thereby. In issuing such special improvement bonds, to cover special improvements to be hereafter made, the notice required by section 191, of chapter 326, of the

When payable.

Recitals.

City may loan from general to special funds.

Special installment improvement bonds, for what may be issued.

laws of 1859, and the acts amendatory thereof, shall be given.

Special assessment, how extended on tax roll.

SECTION 3. In each year after the issue of said bonds, until all of them are paid, when the tax roll for the year is prepared, sufficient of the special assessment on each parcel of land covered by said bonds to pay the annual installment of the principal and the interest on the amount of said special assessment then unpaid, shall be extended upon the tax roll as a special tax on said property, and shall be collected in the same manner as other taxes are collected, and when collected shall constitute a special fund for the payment of such special bonds, and shall be used for no other purpose.

Bonds to be conclusive proof of regularity of proceedings.

SECTION 4. No action shall be maintained to avoid any of the special assessments of taxes levied pursuant to the same, after bonds shall have been issued covering such special assessments, and said bonds shall be conclusive proof of the regularity of all the proceedings on which the same are based.

Void bonds, new bonds in lieu may be issued.

SECTION 5. When any such city shall have issued bonds, which for any reason shall be void, it may issue in lieu thereof new bonds, and any proceeding had as the basis for the issuance of any such void bonds shall in all respects be sufficient as a basis for the issuance of such new bonds; and all such proceedings up to and including the making of the assessment, are hereby in all respects legalized and confirmed; and no action or proceeding shall be commenced to set aside any such assessments or proceedings, unless commenced within nine months after the passage of this act; and such new bonds so issued may, at the option of the council, be either general bonds or special improvement bonds, the issuance of which are provided for in this chapter, as the exigencies of the case may require. The common council of any city herein mentioned shall, before the issuing of any of the bonds mentioned in this section, pass a resolution providing for the issuance thereof, and such resolution shall be sufficient authority for such issue. When general bonds shall be issued as provided in this chapter, the resolution providing for such issue shall specify the form of the bond to be issued thereunder.

Action to set aside assessment, when must be commenced.

Special improvement bonds to be lien on land assessed.

SECTION 6. The special improvement bonds herein mentioned shall be a lien against all lots, parts of lots or parcels of land, against which special assessments have been made, which lien shall take precedence of all claims or liens thereon, and when issued shall transfer to the holders thereof, all the right, title and interest of such city in and to the assessments made for the purpose of improvement mentioned therein, and the liens thereby created, with full power to enforce the collection thereof by foreclosure, in the same manner as mortgages on real estate are foreclosed; but the time of redemption therefrom shall be fixed by the court, and a copy of the bond foreclosed may be filed as a part of the judgment roll in said action in lieu of the original thereof. If within ninety days after the commencement of the annual sale of lands for taxes, the amount to pay any installment of principal or interest shall not have been collected by the city, the owner or owners of at least one-third in par value of bonds issued on any single improvement may proceed in his or their own names to collect the same by foreclosure thereof, in any court of competent jurisdiction, and shall recover in addition to the amount of said bonds and interest, all costs against the property of the party or parties in default; provided, however, that the owner of any property covered by such bonds may redeem the same at any time before judgment by payment to the county clerk of the amount due against such property, together with ten per cent. additional thereon, which shall be in full of all costs chargeable to such property in such action. Any number of the holders of such bonds for any single improvement, may join as plaintiffs in any such action, and any number of the owners of, or other persons interested, in the property covered by the assessment upon which such bonds are issued, and on which the said bonds are a lien, may be joined as defendants in any such action; and in case more than one action of foreclosure shall be commenced upon a single improvement, such actions may be consolidated. Any holders of bonds for the same improvement, who do not join as plaintiffs, may be made defendants in

When owners may foreclose.

Redemption.

Parties to action.

the action, and their rights adjudicated therein. Such bonds shall be equal liens upon the property for the assessments represented by such bonds without priority one over another, to the extent of the several assessments against the lots and parcels of land against which the special assessments shall have been made. Upon the commencement of any such action, the plaintiff shall cause a notice thereof to be filed in the offices of the county clerk and county treasurer, designating the particular property affected by such foreclosure and thereafter no redemption of any such property from such assessments shall be had, without payment of all costs theretofore accrued in such action, except as hereinbefore provided.

Notice of action to be filed.

SECTION 7. This act shall take effect and be in force from and after the date of its passage and publication.

Approved April 18, 1893.

No. 94, A.] [Published May 2, 1893.

CHAPTER 263.

AN ACT to provide for the annual appropriation of a sum of money therein named to the Wisconsin Cranberry Growers' Association.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby annually appropriated to the Wisconsin Cranberry Growers' Association, the sum of two hundred and fifty dollars.

Appropriation to Wisconsin Cranberry Growers' Association.

SECTION 2. Said moneys shall be used exclusively for the purposes of procuring and publishing information relative to the cultivation and production of cranberries.

For what to be used.

SECTION 3. Said society shall hold two meetings annually, one in the month of August, and one in January, of each year, at such place as shall be previously fixed by a vote of the society.

Annual meetings.

Report of disbursements, transactions, etc., to be published.

SECTION 4. The secretary of the society shall report to the governor annually, immediately after the January meeting, an itemized account, duly verified, of all disbursements made during the previous year, and shall therewith publish in pamphlet form a pamphlet of not to exceed fifty pages, which shall contain an account of the transactions of the association, and a compilation of the best information which it shall have been able to collect during the previous year, relative to the cultivation and production of cranberries, and shall cause two hundred and fifty copies thereof to be distributed gratuitously to cranberry growers in the state of Wisconsin.

SECTION 5. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 88, A.] [Published May 2, 1893.

CHAPTER 264.

AN ACT to authorize the parties therein named to construct and maintain a dam across Clam river in township thirty-eight north, of range fourteen west, and to collect tolls on the same.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

John Arbuckle et al. authorized to build dam.

SECTION 1. John Arbuckle, his heirs and assigns, are hereby authorized to erect, maintain and keep up a dam across the Clam river, at a point on the northeast quarter of section thirty, of township thirty-eight north, of range fourteen west, in Burnett county; provided that such dam shall not raise the water to exceed ten feet; provided, said John Arbuckle shall be the owner of the land upon which said dam is hereby authorized to be erected, or shall acquire title to the same within one year from the date of the passage of this act.

SECTION 2. The aforesaid person, his heirs and assigns, shall build suitable slides in said dam for running logs, lumber and timber over the same, and shall keep the same in repair; the said dam shall be kept open at all times when the river is at a driving stage, and there are logs, timber or lumber to run over said dam, and when it is not necessary to hold the water back for the purpose of driving or flooding or floating logs, timber or lumber, below the said dam, for which purpose flood gates shall be built and kept in repair, in such manner as to be shut or opened, as the case may require, to flood said logs, lumber and timber.

Slides to be built.

When to be kept open.

Flood gates

SECTION 3. When the aforesaid person, his heirs or assigns, shall have completed the said dam, as aforesaid, they are hereby authorized and empowered to receive and collect from the owners of said logs, timber and lumber, passing over such slides, and of all logs, lumber or timber coming into the north fork of Clam river, above the section line running between sections fifteen and sixteen, in township thirty eight north, of range fifteen west, which may be driven by aid of said dam, as a compensation for keeping up and maintaining said dam, the sum of eight cents per thousand feet, board measure, the amount to be ascertained by scale on the landings in the woods; and the aforesaid Arbuckle, his heirs and assigns, shall have a lien on all logs, lumber or timber run over said dam, or driven by aid thereof, until the charges aforesaid shall be fully paid, which lien may be enforced in the same manner, as the lien of laborers on logs; provided that the said Arbuckle, his heirs or assigns, shall at all times comply with the provisions of section 2, of this act.

May collect tolls.

Tolls to be lien.

SECTION 4. The control of said dam, and the slides and gates, shall belong to the said Arbuckle, his heirs and assigns, but subject always to the provisions of section 2, of this act.

Control of dam.

SECTION 5. Nothing in this act shall be construed as to give the party aforesaid, his heirs or assigns, any right to shut down the gates of said dam during the months of July, August or September, in each year, but the gates of said dam shall remain open during the said months, and the waters of the said Clam river shall flow free

When gates to be opened.

and unobstructed through said dam, during the months aforesaid.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 531, A.] [Published May 2, 1893.

CHAPTER 265.

AN ACT to authorize Jacob Searls, A. E. Bennett, and James Gaynor, their associates and assigns, to connect by a canal, Hemlock creek with Cranberry creek, in Wood county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Jacob Searls et al. authorized to build canal.

SECTION 1. Jacob Searls, A. E. Bennett, and James Gaynor, and their associates and assigns, are hereby authorized and empowered to build, construct and maintain a canal for the purposes of transportation, irrigation and drainage, connecting the waters of Hemlock creek, in Wood county, with Cranberry creek, in said county.

Location.

SECTION 2. The head of said canal shall be located on Hemlock creek at some convenient point on section thirty-three, in township twenty-three north, of range four east, and shall extend thence southerly over the most feasible route to a point on section ten, in township twenty-two north, of range four east, where Cranberry creek crosses the right of way of the Chicago, Milwaukee and Saint Paul railway.

Width and depth.

SECTION 3. From the point where said canal shall cross the right of way of the Green Bay, Winona and Saint Paul Railway to the terminus on the right of way of the Chicago, Milwaukee and Saint Paul Railway, above described, said canal shall be maintained of sufficient width and depth to float small boats, drawing not to exceed twelve inches of water, and having a width of not exceeding four feet.

SECTION 4. For the purposes of supplying this canal with water, the said Jacob Searls, A. E. Bennett, and James Gaynor, their associates and assigns, are hereby authorized to build, construct and maintain a dam in Hemlock creek, and to draw water therefrom to supply said canal at the head of said canal; but they shall draw from said Hemlock creek at no time a quantity of water exceeding one-half the amount flowing therein. May build dam.

SECTION 5. Said canal shall be open to all persons for purposes of transportation of freight, from May 1st to October 20th, of each year, and the rates that may be charged for the use of said canal for the purposes of transportation of freight thereon, shall not exceed one cent per hundred for each mile of transportation. When canal to be opened; rates.

SECTION 6. All persons owning lands along the line of said canal, that are used for the cultivation of cranberries, may, at any time prior to the construction of said canal, acquire an interest therein. But the interest and control that may be acquired by any one in said canal shall be to the whole interest, as the number of acres of cranberry vines that he has under cultivation is to the whole number of acres owned by all the parties interested therein; and when not needed for navigation, he may draw from said canal, of the surplus water therein, in proportion to his interest, under such rules and regulations as may be agreed on by the parties interested. Owners of adjacent cranberry lands may acquire interest. May draw surplus water.

SECTION 7. The persons above named, their associates, heirs and assigns, for the purpose of constructing and maintaining said canal, may acquire by purchase or by condemnation proceedings, in accordance with the provisions of section 1379a, of the Annotated Statutes of Wisconsin, a strip of land two rods wide on each side of the center line of said canal. Lands for canal, how acquired

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 781, A.] [Published May 2, 1893.

CHAPTER 266.

AN ACT to authorize John N. Cotter and Sigmund Heinemann, their associates, heirs and assigns, to erect and maintain a dam across Prairie river, in section one, township thirty-one north, of range six east, in the county of Lincoln.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

John N. Cotter et al. authorized to build dam, etc.

SECTION 1. John N. Cotter and Sigmund Heinemann, their associates, heirs and assigns, are hereby authorized and empowered to erect and maintain a dam across Prairie river, on any lands owned or controlled by them in section one, township thirty-one north, of range six east, at such point on their said lands as they shall select, for manufacturing and other purposes, and to erect and maintain such piers and booms in connection therewith, as may be necessary or convenient for holding, storing, assorting and handling logs to be manufactured at or near said dam; provided, that said dam, when erected, shall not exceed six feet in height above the low water mark, and shall be so constructed as not to obstruct the running of timber or logs down said river, and that said dam shall be furnished with a suitable slide or chute, which shall be placed in the main channel of the river, and so located and constructed as to allow logs passing over the same to freely pass down the river, away from said slide or chute, and the same shall be kept open at all times when there are logs or timber to run over said dam, and logs destined for points below on said river shall not be detained longer than may be necessary to separate from the general drives of logs such as may be intended for manufacture at or near said dam, and no charge shall be made for separating said logs or for the use of said slide and chute for passing logs over said dam.

How constructed.

Tolls not to be charged.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 777, A.] [Published May 2, 1893.

CHAPTER 267.

AN ACT to appropriate a sum of money sufficient to carry out the provisions of joint resolution number 38 A, relating to the furnishing of copies of Sanborn and Berryman's Annotated Statutes to persons therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for furnishing certain members with S. & B.'s Anno. Stats.

SECTION 1. There is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, a sum sufficient to carry out the provisions of joint resolution number 38 A, of the session of the legislature for 1893, which said resolution requires the superintendent of public property to furnish assemblymen Jennings, Parkinson, and Peterson, under joint resolution number 57 A, each, with a copy of Sanborn and Berryman's Annotated Statutes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 735, A.] [Published May 2, 1893.

CHAPTER 268.

AN ACT relating to actions upon official bonds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Actions on official bonds, when to be commenced

SECTION 1. Whenever there shall be due to any municipal corporation any sum of money upon any official bond, action to recover the same must be commenced within three years from the time when such municipal corporation had and received notice and knowledge of the fact, that there was a default in the conditions of such bond, and that

it was entitled by law to recover thereunder; and in case the term of said three years shall have expired upon any such bond now existing, upon which no action has been commenced in court, such action must be commenced within ninety days from the passage and publication of this act.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 729, A.] [Published May 2, 1893.

CHAPTER 269.

AN ACT to authorize the building of a wagon bridge across Fox river, in the city of Appleton.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

City of Appleton authorized to build wagon bridge.

SECTION 1. The city of Appleton is hereby authorized to build and maintain a wagon bridge over and across Fox river, from any point on the north bank of said river on section thirty-four, township twenty-one north, of range seventeen east, in the city of Appleton, and for that purpose may erect piers, embankments and approaches, and do all things necessary for the proper construction and maintenance of such bridge; provided, that such bridge shall be furnished with a suitable draw for steamboats and other craft navigating Fox river, to enable such water craft safely to pass through such draw; and also provided, said bridge shall not unnecessarily impair the free navigation of such river; and also such bridge shall be constructed and maintained subject to the approval of the United States government engineer, in charge of the improvement of Fox river.

How constructed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 570, A.] [Published May 2, 1893.

CHAPTER 270.

AN ACT to amend section 3, of chapter 167, laws of 1883, as amended by section 3, of chapter 291, laws of 1887, entitled "An act for the better protection of public health."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 3, ch. 167, laws of 1883, as amended.

SECTION 1. Section 3, of chapter 167, of the laws of 1883, as amended by section 3, of chapter 291, of the laws of 1887, is hereby amended by striking out the words "residing and," so that when so amended said section shall read as follows: Section 3. Whenever any physician, practicing in this state, shall know that any person, whom he shall be called upon to visit, is sick with smallpox, scarlet fever, diphtheria, Asiatic cholera, or other dangerous contagious disease, he shall immediately give notice thereof to the board of health of the town, village or city, in which such sick person shall be at the time, and any physician who shall refuse or neglect to give such notice for a period of twenty-four hours shall, on conviction thereof, be liable to a penalty of not less than five, nor more than twenty-five dollars, for each day of such refusal or neglect after the expiration of said twenty-four hours; provided, that the notices herein required may be sent by mail, or, except in the case of cities, may be given to or left at the residence of any member of the board of health, and notices so mailed or given within the time specified shall be deemed a compliance with the provisions of this section. When any person is sick with any of the diseases named in this act, and no physician is in attendance, all of the provisions of this section shall apply to the responsible head of the family or the person in charge of the building in which such sick person may be.

Smallpox, scarlet fever, etc., physician to give notice to board of health.

Penalty for neglect.

Who to give notice when no physician in attendance.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 421, A.] [Published May 2, 1893.

CHAPTER 271.

AN ACT to make labor day a legal holiday.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Labor day; governor to set apart.

SECTION 1. The governor is hereby authorized to set apart by proclamation, one day in each year, to be observed as labor day for the purpose of affording all laboring classes one day of rest and recreation, and which day, when so set apart, shall be and is hereby declared to be a legal holiday.

SECTION 2. This act shall take effect and be in force from and after the passage and publication thereof.

Approved April 19, 1893.

No. 329, S.] [Published May 2, 1893.

CHAPTER 272.

AN ACT to provide for and regulate the ownership of log marks on the Chippewa river.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Unrecorded marks may be used.

SECTION 1. Any owner of logs or timber cut to be put into the Chippewa river, or any streams tributary thereto, above the city of Chippewa Falls, may use thereon any mark or marks not before recorded in the office of the lumber inspector of district number Six.

Owner to file description of mark, etc.

SECTION 2. Before any such mark or marks shall be recorded, it shall be the duty of the owner of such logs or timber intending to use the mark, or marks, to cause a diagram thereof and a full and complete written description of

such mark, or marks, signed by such owner, to be filed and remain in the office of the lumber inspector of district number Six.

Lumber inspector to record mark; fee.

SECTION 3. The lumber inspector of district number Six, upon receipt of a fee of fifty cents for such mark, or marks, shall forthwith file and record such mark, or marks, in his office in a book to be kept for that purpose, and such book shall be open at all times to the inspection of all persons.

Mark not to be used until recorded.

SECTION 4. No person shall use any mark, or marks, on any logs or timber, until the same shall have been recorded as aforesaid, or use any mark, or marks, previously recorded in said office of lumber inspector of district number Six, and no person shall mark any prize logs.

Log marks now recorded legalized.

SECTION 5. All log marks, now of record in the office of said lumber inspector of district number Six, are hereby legalized and have the same force and be as effective as though all of the said marks had been filed and recorded pursuant to this act.

Penalty.

SECTION 6. Any owner, person or officer, violating any of the provisions of this act, shall forfeit the sum of ten dollars for each and every day during such violation, and shall also be liable to any person for all damages caused by such violations.

SECTION 7. The words owner or person shall include individuals, copartnerships and corporations.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 336, S.] [Published May 2, 1893.

CHAPTER 273.

AN ACT authorizing the state board of control to purchase forty acres of land as an addition to the farm of the Northern Hospital for the Insane, at Winnebago, Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

May purchase land

SECTION 1. The state board of control, by and with the consent of the governor, are hereby authorized to purchase at a price not exceeding one hundred and twenty-five dollars per acre, the following described forty acres of land, to-wit: The southeast quarter of the southeast quarter of section thirty-six, in township nineteen north, of range sixteen east, in the county of Winnebago; said land, when purchased, to be added to the farm of the Northern Hospital for the Insane; provided, that said purchase be made with moneys heretofore appropriated for the current expenses of said Norhern Hospital, and entail no expense to the state in addition thereto.

How paid for.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 331, S.] [Approved May 2, 1893.

CHAPTER 274.

AN ACT to authorize incorporated villages to issue corporate bonds for the purpose of making public improvements.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Incorporated village with population of five hundred may issue bonds.

SECTION 1. Any village incorporated or organized, or hereafter incorporated or organized, under the laws of this state, and having a population of at least five hundred, according to the last census, is hereby authorized to issue village or corporate bonds, payable within twenty years from their issue, bearing interest annually or semi-annually at a rate not exceeding five per cent. *per annum*, to raise money by the sale of such bonds for making public improvements in such village, and for any purposes for which villages are now authorized to expend money, under the laws of this state; provided, however, that no such bonds shall issue unless the conditions of the following sections are complied with:

Special election to be called.

SECTION 2. Whenever the village board of trustees shall, by resolution, declare its purpose to raise money by the issuing of village bonds, to an amount not exceeding five per cent. of the assessed value of taxable property in said village, according to the last assessment for county and state taxes, and under the conditions of section 1, of this act, they shall cause the village clerk to call a special election, for the purpose of submitting the question of bonding the village to the voters of said village, and the call for such special election shall contain the purpose of such election, the amount of the bonds proposed to be raised, the time and place of holding the election, specifying the hour at which the polls will be opened and closed. The place for holding such election shall be where the village elections are usually held, and the polls shall be opened at ten o'clock in the forenoon, and closed at four o'clock in the afternoon; the inspectors and clerks at such election

Call, what to state.

Election, how held.

shall be the same as at any annual election, and it shall be conducted in like manner.

Call to be published.

SECTION 3. The call for such special election shall be signed by the village clerk, and shall be published in a newspaper in the village for three successive weeks prior to such election, and if no newspaper is published in said village, said call or notice shall, by said village clerk, be posted up in four of the most public places in said village for at least twenty days prior to the election.

Ballots.

SECTION 4. The voting at such election shall be by written or printed ballots, which shall be of two kinds; on one kind shall be written or printed "For bonds," and the other "Against bonds."

Vote to determine whether bonds may be issued.

SECTION 5. If a majority of the ballots cast at such election shall be "For bonds," the village board may issue the bonds to the amount stated in the call, and sell or hypothecate the same for the purpose of raising the money required; but if a majority of said ballots shall be "Against bonds," no bonds shall issue.

SECTION 6. This act shall take effect from and after its passage.

Approved April 19, 1893.

No. 320, S.] [Published May 2, 1893.

CHAPTER 275.

AN ACT to detach certain territory from Oneida county, and attach the same to Forest county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attaches territory to Forest county.

SECTION 1. The following described territory embraced within the present boundaries of the county of Oneida, and of the town of Pelican, of the county of Oneida, is hereby detached from said county of Oneida, and town of Pelican, and attached to and made a part of the county of Forest, and of the town of Pelican Lake, of the

county of Forest, to-wit: all of township number thirty-five, in ranges number nine and ten east.

SECTION 2. All lands heretofore sold for taxes, or that may be sold for taxes of 1892, situated within the said town thirty-five, ranges nine and ten east, shall be subject to redemption in, and if not redeemed, advertised and deeded by the county of Oneida. Lands sold for taxes, redemption of.

SECTION 3. This act shall in no wise invalidate or affect the collection of taxes or the return of lands for the non-payment of taxes heretofore assessed upon the lands embraced in the territory described in section 1, of this act. Collection of taxes, etc., not invalidated.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 247, S.] [Published May 2, 1893.

CHAPTER 276.

AN ACT to construe the law relating to approval of bond in voluntary assignments.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 1695, of Sanborn and Berryman's Annotated Statutes, is hereby amended by inserting after the word "executed," where it occurs in the fourth line of said section, the following: "And the taking and filing of said bond, by said court commissioner, shall be deemed to be a sufficient approval thereof; and all bonds heretofore taken and filed as aforesaid, by said court commissioner, are hereby declared to be sufficiently approved and valid," so that said section, when amended, shall read as follows: Section 1695. Such bond shall, immediately after its execution, together with a full and true copy of such assignment, be filed by the officer taking the same, in the office of the clerk of the circuit court to whom Amends sec. 1695, S. & B's. Anno. Stats. Taking and filing deemed sufficient approval. Assignee's bond, etc., when filed.

it is executed; and the taking and filing of said bond by said court commissioner, shall be deemed to be a sufficient approval thereof; and all bonds heretofore taken and filed, as aforesaid, by said court commissioner, are hereby declared to be sufficiently approved, and valid; and such bond and copy of assignment shall be kept by such clerk in his office, subject at all times to the inspection of all parties interested; and any creditor, or creditors, of the said assignor, may maintain an action thereon, in the name of the obligee, at any time for conditions broken, and any judgment rendered thereon shall be held and collected for the benefit of the respective creditors of the assignor, according to law, and the terms and conditions of such assignment.

Action on bond.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 214, S.] [Published May 2, 1893.

CHAPTER 277.

AN ACT to fix the time of holding the terms of the circuit court in the several counties of the Seventeenth judicial circuit.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Terms of court.

SECTION 1. From and after the first day of July, A. D. 1893, the general terms of the circuit court for the several counties in the Seventeenth judicial circuit shall be as follows: In the county of Jackson, on the first Monday of March, and the first Monday in September. In the county of Eau Claire, on the third Monday of March, on the third Monday of September, and on the second Monday of December. In the county of Clark, on the third Monday of April, and on the third Monday of October. There shall also be held in the county of Eau Claire, on the

second Monday of June, a special term for said Seventeenth judicial circuit, but no jury shall be drawn for said June term.

General terms to be special terms.

SECTION 2. The several general terms of court, in each county of said circuit, shall be a special term for all the other counties in said circuit.

SECTION 3. All acts and parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after July 1, after its passage and publication.

Approved April 19, 1893.

No. 195, S.] [Published May 4, 1893.

CHAPTER 278.

AN ACT to authorize Patrick Hynes, his successors or assigns, to improve Iron river, for log driving purposes, and to charge tolls and boomage thereon.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Patrick Hynes, et al., authorized to build dams, etc., to improve Iron river.

SECTION 1. For the purpose of improving the two main tributaries of Iron river, namely, the east fork and the west fork thereof, and their tributaries in the county of Bayfield, and state of Wisconsin, so as to facilitate and improve the driving of logs, railroad ties, telegraph poles, fence posts and timber in and down said tributaries of Iron river, from the east line of section nine, township forty-eight north, of range eight west, and also from the south line of said section to the west line of section six, township forty-eight north, of range eight west, and from the east line of section twenty, township forty-eight north, of range eight west, and also from the south line of said section twenty to the west line of section six, township forty-eight north, of range eight west, on the east fork of said Iron

river, and from the south line of section thirty-one, township forty-eight north, of range eight west, to the south line of section two, township forty-eight north, of range nine west, and from the south line of section twenty-six, to township forty-eight north, of range nine west, to the south line of section two, township forty-eight north, of range nine west, on the west fork in the county of Bayfield, as aforesaid, Patrick Hynes, his heirs or assigns, are hereby authorized and empowered to improve that portion of the east and west forks of Iron river, and their tributaries above described, by building dams, clearing and straightening channels, closing sloughs, and otherwise, so as to improve said Iron river tributaries for the driving and floating of logs, railroad ties, telegraph poles, fence posts and timbers, that may be put into said river and tributaries for the purpose of being floated down and driven to any point along said river or its tributaries or to the mouth thereof. The said Patrick Hynes, his heirs or assigns, may also build and maintain a boom or booms along or upon that portion of the tributaries of Iron river, above described, at points along the same, for the purpose of stopping, holding, securing and sorting of logs, railroad ties, telegraph poles, fence posts and timber, that may come down or be driven into said river.

May build booms.

When may charge tolls.

SECTION 2. Whenever the said Patrick Hynes, his heirs or assigns, shall have so improved the portions of the east and west forks of Iron river and their tributaries, between the points thereof described in section 1, of this act, so as to make the floating and driving of logs, railroad ties, telegraph poles, fence posts or timber down said river and tributaries reasonably certain and practicable, and shall maintain and operate the same so that logs, railroad ties, telegraph poles, fence posts and timber can be so driven with reasonable certainty on such freshets, and with such rises of water, as are necessary to float and drive logs in connection with said aforesaid improvements, the said Patrick Hynes, his heirs or assigns, in consideration of such improvements and the facilities obtained thereby, shall be authorized to charge and be entitled to collect and receive of any and all persons, com-

panies or corporations, owning or controlling logs, railroad ties, telegraph poles, fence posts and timber in said river or tributaries, fifteen cents for a thousand feet, board measure, as toll on all logs and timber put into the east fork of Iron river or its tributaries, at the east or south line of section nine, or the east or south line of section twenty, township forty-eight north, of range eight west, or at any point along said east fork of Iron river or its tributaries, between either of said points and the west line of section six, township forty-eight north, of range eight west, and designed and intended to be driven down said river, and twenty-five cents per hundred for all railroad ties, telegraph poles and fence posts, so put in and designed and intended to be driven down said east fork of Iron river and its tributaries between the points aforesaid; twenty cents per thousand feet, board measure, as toll for all logs and timber, and forty cents per hundred for railroad ties, telegraph poles and fence posts, so put in and designed and intended to be driven down said west fork from any point on said west fork or its tributaries between the south line of section thirty-one, and the south line of section eighteen, in township forty-eight north, of range eight west, and fifteen cents per thousand feet, board measure, as toll for all logs and timber, and twenty-five cents per hundred for all railroad ties, telegraph poles and fence posts, so put in and designed and intended to be driven down said west fork or its tributaries from the south line of section eighteen, township forty-eight north, of range eight west, or from any point along said west fork between the south line of said section eighteen and the section line of section two, township forty-eight north, of range nine west; fifteen cents per thousand feet, board measure, as toll on all logs and timber, and twenty-five cents per hundred for railroad ties, telegraph polls and fence posts, so put in and designed and intended to be driven down said west fork of Iron river or its tributaries from the south line of section twenty-six, or from any point along said west fork, between the south line of said section, and the south line of section two, township forty-eight north, of range nine west. The amount of said logs, ties, poles, posts

and timber to be determined by, and under the direction of, the lumber inspector of the district in which said river is situated, or by the mutual agreement of the parties.

May charge for booming, etc.

SECTION 3. Said Patrick Hynes, his heirs or assigns, as compensation for booming, stopping, holding, sorting and securing logs, timber, railroad ties, telegraph poles and fence posts, driven or run down said east or west forks of said Iron river, or their tributaries, shall be authorized to charge and be entitled to collect and receive of any and all persons, companies or corporation, owning or controlling logs, ties, poles, posts and timber, which are so boomed, stopped, held, sorted or secured, twenty-five cents per thousand feet, board measure, for logs and timber, and fifty cents per hundred for railroad ties, telegraph poles and fence posts, in addition to the sum authorized for tolls and driving on said river. Whenever the said Patrick Hynes, his heirs or assigns, shall have so improved the east and west forks and their tributaries of said Iron river as aforesaid, as provided in section 2, of this act, he or they shall be authorized to take possession of all logs, railroad ties, telegraph poles, fence posts and timber put into said east or west forks, or their tributaries, of said river, to be floated down the same (the owners of which have not made adequate provision for driving the same, or which may be in the way of the main drive of said east or west fork or their tributaries), and to drive the same down said east or west forks or their tributaries, heretofore described, to the west line of section six, in township forty-eight north, of range eight west, or the south line of section two, in townsbip forty-eight north, of range nine west, and shall have authority to charge and be entitled to collect and receive of the owners of such logs, ties, poles, posts and timber the sums stated as follows, to-wit: For logs so driven from the east or south line of section nine, or the east or south line of section twenty, to the west line of section six, township forty-eight north, of range eight west, and from any points between said points along the east fork or its tributaries of Iron river, the sum of twenty cents per thousand feet, and for ties, telegraph poles and fence posts forty

Authorized, after making improvements, to take possession of logs, etc., and drive same.

Charges for driving.

cents for each hundred thereof; for logs so driven from points between the south line of section thirty-one, and the south line of section eighteen, township forty-eight north, of range eight west, along the west fork of said Iron river, and the sum of thirty-five cents per thousand feet for logs and timber, and the sum of seventy-five cents per hundred for ties, telegraph poles and fence posts, for each hundred thereof, and between the south line of section eighteen, township forty-eight north, of range eight west, and the south line of section two, township forty-eight north, of range nine west, or from any point between said points, the sum of twenty cents per thousand feet for logs and timber, and forty cents for ties, telegraph poles and fence posts for each hundred thereof; for logs so driven from the south of section twenty-six, to the south line of section two, in township forty-eight north, of range nine west, or from any point between said points along the west fork of said Iron river, the sum of twenty cents per thousand feet, and for ties, telegraph poles and fence posts, forty cents for each hundred thereof; the amount of such logs, ties, poles, posts and timber to be determined in the same manner as provided by section 2, of this act.

Tolls, etc., to lien.

SECTION 4. For any charges for tolls, boomage or otherwise, that said Patrick Hynes, his heirs or assigns, may have on account of said improvements and booms, or for the driving of any logs, ties, poles, posts or timber under this act, the same shall be a lien upon such logs, ties, poles, posts and timber, as may be put in said east and west forks, or their tributaries, of said Iron river, or that may be driven down the same, and unless paid on or before thirty days from the time said logs, ties, poles, posts and timber are driven to their destination, or to the mouth of said river, the said collection of said charges and lien may be enforced by the said Patrick Hynes, his heirs or assigns, in the manner as other liens for services and labor on logs, as now provided by law, and for this purpose may hold and detain such logs, ties, poles, posts and timber at any place in Bayfield, Ashland or Douglas counties, where such logs, or any part thereof, may be, until such toll and charges are paid, and may

file such lien within ninety days after such charges have accrued.

To take possession when owner neglects to drive logs, etc.

SECTION 5. The said Patrick Hynes, his heirs or assigns, shall receive and take possession of all logs, railroad ties, telegraph poles, fence posts and timber, placed in the east and west forks, and their tributaries, of said Iron River, as described in section 1, of this act, as aforesaid, for the purpose of being driven therein, as aforesaid, whenever the owner shall neglect or refuse to drive the same, and shall drive all such logs, railroad ties, telegraph poles, fence posts and timber down said river and its tributaries, as aforesaid, and deliver the same at their destination, or at the assorting booms at the mouth of said river, with all convenient speed and dispatch, in consideration of the charges aforesaid, and without further or additional compensation, and in case he or they shall refuse, neglect or fail to do so, he or they shall be liable to the owners of the logs, railroad ties, telegraph poles, fence posts and timber, as to which there shall be such refusal, neglect or failure, for all damages occasioned thereby.

SECTION 6. The legislature reserves the right to alter, amend or repeal this act, whenever in its judgment the public interest shall so require.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 160, S.] [Published May 2, 1893.

CHAPTER 279.

AN ACT to amend section 6, of chapter 221, of the laws of 1891, entitled "An act to abolish the state board of supervision, and the state board of charities and reform, and to create the state board of control of reformatory, charitable and penal institutions," and making an appropriation therefor.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 6, of chapter 221, laws of 1891, is hereby amended so as to read as follows: Section 6. Each member of said board shall receive a compensation of two thousand dollars *per annum*, and also all actual and necessary disbursements paid out in the discharge of the duties of his office. Said board shall also have power to expend a sum, not exceeding three thousand dollars *per annum*, as salary for a secretary of said board and for clerk hire. All accounts for salary, clerk hire, and disbursements provided for in this act, shall be rendered under oath, and shall be audited and allowed by the board, and then drawn from the state treasury upon the warrant of the secretary of state out of the funds appropriated to the several institutions affected by this act, and said chapter 298, of the laws of 1881, in relative proportions, as near as may be, to the sums appropriated to each for current expenses, and the sums credited to each by the secretary of state, as provided in said chapter 298, of the laws of 1881.

Amends sec. 6, ch. 221, laws of 1891.

Compensation of board; salary of secretary, etc.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 38, S.] [Published May 2, 1893.

CHAPTER 280.

AN ACT to appropriate certain sums of money to the state university.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to University of Wisconsin.

SECTION 1. There is hereby appropriated to the University of Wisconsin, out of any moneys belonging to the general fund in the state treasury, not otherwise appropriated, the sums of money hereinafter named, viz.:

Extension of machine shop, etc.

1. For the extension and enlargement of the machine shop, for construction of adequate draughting and dynamo rooms, and for the necessary shafting, belting, engine and other necessary equipment thereto, for the extension of chemical laboratory including provision for warming. ventilating and necessary equipment, forty-five thousand dollars.

Building for department of horticulture.

2. For a building for the department of horticulture and a forcing house and the necessary equipment thereof, fourteen thousand two hundred dollars.

Tobacco culture.

3. For experimenting in tobacco culture, eight hundred dollars.

Other purposes.

SECTION 2. There is hereby appropriated for other university purposes, forty thousand dollars a year for the years 1893 and 1894, one-sixth of which shall be used for the agricultural department.

Purchase of certain land.

SECTION 3. There is hereby appropriated, out of any moneys of the general fund of the state treasury, not otherwise appropriated, a sum not exceeding twenty-five thousand dollars for the purchase, for the exclusive use of the university, of all that part of the west half of the northeast quarter of section twenty-two, in town seven north, of range nine east, lying south of the Sauk road, in the county of Dane, and state of Wisconsin, excepting a triangular piece on the southeast corner, separated from the above piece by the Monroe road, and excepting also that portion of the said premises, occupied by

the right of way of the Chicago, Milwaukee and Saint Paul Railway company, and excepting also that portion of said premises occupied by the right of way of the Illinois Central Railroad company. The said sum of twenty-five thousand dollars, or such part thereof as the governor and attorney general shall certify to be necessary for that purpose, shall be paid to the owners of said property upon certificate of the attorney general to the effect that a good and indefeasible title in fee simple to the said premises has been conveyed.

SECTION 4. This act shall be in force and take effect from and after its passage and publication.

Approved April 19, 1893.

No. 16 S.] [Published May 2, 1893.

CHAPTER 281.

AN ACT to amend section 1, chapter 309, of the laws of 1891, entitled "An act for the distribution of public documents."

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 309, of the laws 1891, is hereby amended by erasing the word "and," in the last sentence of said section 1, and inserting after the words "of the industrial school for girls," the words "and the railway commissioner," so that said section, when so amended, shall read as follows: Section 1. The secretary of state shall cause the state printer to collectively bind in cloth, in two volumes, with title and table of contents in each volume, seven hundred sets of the governor's message and other state documents provided for in section 3, chapter 526, laws of 1889, the same to be distributed as provided for in section 2, of this act. Said volumes shall be similar in make-up, arrangements and binding to the governor's message, and accompanying documents for the year 1889. The better to pro-

Amends ch. 309, laws of 1891.

State documents, printing and distribution of.

vide for the distribution hereinafter ordered, the secretary of state shall cause to be printed by the state printer, at an additional charge only of press work and binding, five hundred copies of the following reports, in addition to the number now required by law: Of the commissioners of public lands; of the commissioners of fisheries; of the state supervisor of illuminating oils; of the Milwaukee hospital for insane; of the industrial school for girls; and of the railroad commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 15, S.] [Published May 3, 1893.

CHAPTER 282.

AN ACT to protect ejectment-defendants in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Ejectment-defendant, when may file claim for purchase of interest of plaintiff.

SECTION 1. In every case where a recovery shall be had of any land on which the party in possession, or those under whom he claims, while holding adversely by color of title asserted in good faith founded on descent or any written instrument, or by mistake in boundary, shall have made permanent and valuable improvements by erection of buildings situate in part on such land so recovered, and in part upon adjoining lands, in which plaintiff has no interest, and which portion of said building, situate upon said lands so recovered, cannot be removed or separated from the remaining portion thereof, without serious injury to both, the part so resting upon the land so recovered, and the part remaining and situate upon other lands, then the defendant, in such action, may, within ninety days after final judgment (exclusive of time from taking appeal therefrom to filing of remittitur from appellate court), file his claim in writing, that the case

is such as is above specified in this section, and state therein that he desires to purchase the interest of the plaintiff in such land.

Issue to be made up.

SECTION 2. Thereupon the court shall, upon the application of the defendant, cause an issue to be made up between the parties in which ejectment-defendant shall be the plaintiff, and the ejectment-plaintiff shall be the defendant, and such issue shall stand for trial by a jury at the same, or any subsequent term to which it shall be continued.

Bond to stay execution.

SECTION 3. Upon the filing of such claim, the ejectment-defendant may apply to the court to fix the amount of a bond to be given by him in the original action to stay the execution of the judgment in the original action, except collection of costs. And upon the giving of such bond, in such sum, and with such sureties as the said court shall direct, conditioned that the ejectment-defendant will abide by, perform, and pay such judgment as may be rendered upon the issue so made upon the claim of the ejectment-defendant, or such judgment as may have been entered in the original action, as the event may require, including value of use of premises after original judgment, the court shall stay the enforcement of the judgment in the original action, except the collection of costs, until the determination of the issue upon such claim.

Jury, what to determine.

SECTION 4. Upon the trial of the issue made upon such claim, the verdict of the jury shall determine whether or not the case is such as specified in section 1, of this act, and if they determine that it is such case, they shall also determine the value of the estate of the ejectment-plaintiff in the land, so recovered, at any time when the value shall have been the highest, between the time of the taking possession thereof by the ejectment-defendant, and the time of the trial, exclusive of any improvements placed thereon by the ejectment-defendant, or those under whom he claims, either to be used separately, or in connection with any other lands owned by the ejectment-plaintiff, and, also, the date when such lands were of such highest value; also, the damages to ejectment-plaintiff for detention of such lands up to such date of highest value; and, also, mesne profit to that date.

Judgment.

SECTION 5. Thereupon. if the jury find the case to be such as specified in section 1, said court shall enter judgment in favor of the ejectment-plaintiff, and against the ejectment-defendant, for the amount determined by said verdict, to be the value of the interest of the ejectment-plaintiff in said premises, with interest thereon from the date when such property was of said highest value, and such damages for detention and mesne profits.

When estate to vest in ejectment-defendant.

SECTION 6. Upon the payment of the amount of such judgment, with interest thereon, and such costs as may have been legally taxed by the ejectment-defendant to the ejectment-plaintiff, or his heirs or representatives, all the estate of the ejectment-plaintiff shall vest in, and thereafter be the property of the ejectment-defendant. But if the same be not paid in one year from final judgment (exclusive of time from taking appeal therefrom to filing of remititur from appellate court), ejectment-plaintiff may, at his own option, satisfy such latter judgment or enforce the original judgment for possession in ejectment; and, in such case, may have action upon the bond so given for the value of the use of the premises from the date of such original judgment in ejectment.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

NOTE BY THE SECRETARY OF STATE.—The foregoing act having been presented to the governor for his approval, and not having been returned by him to the house of the legislature in which it originated within the time prescribed by the constitution of the state, has become a law without his approval.

T. J. CUNNINGHAM,
Secretary of State.

April 19, 1893.

No. 224, A.] [Published May 3, 1893.

CHAPTER 283.

AN ACT to allow certain towns in Forest county to raise moneys for school purposes.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

May raise and expend money for school purposes.

SECTION 1. In addition to the moneys heretofore authorized and allowed to be raised, the towns of Crandon and Gagen, in the county of Forest, are hereby authorized and allowed to raise and expend in each of said towns, the sums of three hundred dollars, in the town of Crandon, and five hundred in the town of Gagen, annually hereafter, for school purposes.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 30, S.] [Published April 29, 1893.

CHAPTER 284.

AN ACT placing roads within a town under the management of the town board, and requiring town road taxes to be paid in money, and providing for the appointment of road superintendents.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Town boards to have control, etc.; grounds.

SECTION 1. The town board of each town in this state shall have the full supervision, management and control of the making and repairing of all roads in said town, except such as are, or may hereafter be, put under the jurisdiction of the county by any law of this state, and may make and repair the same by hire or contract, and for that purpose may annually appoint a

competent person or persons to superintend the making and repairing of all such roads, who shall hold his position for a term of three years, unless sooner removed, for cause, by a vote of the town board, and he shall have the same powers, and perform the same duties over the highways of the town, as the overseers now do over the districts, except such as may be in conflict with the provisions of this act.

May procure machinery, etc.

SECTION 2. The town board of each town may procure machinery, implements, stone, gravel, and other material, and hire laborers and teams necessary and proper for making and repairing all roads aforesaid, and to make and repair the same, and shall have power to purchase gravel pits and stone quarries and take title to the same in the name of the town. In case the town board cannot obtain title by agreement with the owner of such gravel pit or stone quarry, then said board shall, by resolution, declare its purpose to take the same, and therein describe by meets and bounds the land proposed to be so taken, and the amount thereof owned by each owner, mentioning the names of the owners or occupants, so far as known, and therein fix a day, hour and place, when and where they will apply to the county judge, or to a justice of the peace, resident in such town, for a jury to condemn and appraise such gravel pit or stone quarry. Notice shall be given and served as provided in section 896, of the Revised Statutes for 1878. Sections 897 to 902, inclusive, of the Revised Statutes for 1878, shall apply, so far as applicable, to such condemnation proceedings by the town board, except that, wherever the word "village" is used in said sections, the word "town" shall be substituted therefor, and wherever the words "village board" are used, the words "town board" shall be substituted therefor, and wherever the words "village clerk" are used, the words "town clerk" shall be substituted therefor.

May purchase gravel pits.

Condemnation proceedings.

May borrow money.

SECTION 3. It shall be lawful for said town board, at any time after the road tax in any year shall be ordered to be assessed, and before the same is collected, to pledge the credit of the town for a loan or loans of any sum of money, not exceeding in all four-fifths or so much of such tax as shall be assessed to be by them ex-

Limit.

pended in paying the expenses of such making and repairing of the roads of said town for the current year; and the road tax for that year, when collected, shall be first applied to repay such loans, and so much thereof as shall not be needed for such payment, shall be used by said town board in paying the expenses of making and repairing the roads as aforesaid.

Road taxes to be paid in money.

SECTION 4. Hereafter all taxes assessed for making and repairing roads in any town in this state shall be paid in money, and collected by the town treasurer at the same time, and in the same manner, as other taxes are collected in said town for other town and county purposes; and the taxes so collected shall be disbursed by said treasurer on warrants drawn by the town board. The amount of highway taxes that may be assessed in any town for any one year and the manner of making such assessment. shall remain the same as now provided for by section 1240, of the Revised Statutes. and the amendments thereto. In case there be filed with the town clerk ~~thirty~~ days prior to the time of holding the annual town meeting, a petition in writing, signed by not less than twenty-~~five~~ electors and freeholders of the town, requesting that the electors of the town shall, at such town meeting, vote on the question whether the highway taxes in such town shall be paid in labor instead of money, it shall be the duty of the town clerk to post in three public places of the town, at least ten days prior to the time of holding such annual meeting, notice that such question will be submitted at such meeting to a vote of the electors. In case the electors at such meeting vote that the highway tax shall be paid in labor, instead of money, for that year, such labor shall be performed under the supervision of a road superintendent or superintendents appointed by the town board under this act, and at such time as the town board, or road superintendent may determine. All the provisions of the Revised Statutes of 1878, and the acts amendatory thereof, for the collection of highway taxes, when paid in labor, shall, so far as applicable, apply, except that such road superintendent or superintendents shall have all the powers and perform all the duties of the road overseers mentioned in said statutes.

Ch. 385 '95

Petition for submitting question to vote.

Clerk to post notices.

Town board to make estimate of money needed.

SECTION 5. It shall be the duty of the town board of each town to estimate the amount of money they deem advisable to expend for making and repairing all public roads for their respective towns for the ensuing year, and to report the same to the annual town meeting of said town.

SECTION 6. All acts, or parts of acts, in conflict with this act, are hereby repealed.

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 639 A.] [Published May 3, 1893.

CHAPTER 285.

AN ACT to repeal all acts heretofore passed prohibiting the erection of bridges by cities.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Cities may build bridges.

SECTION 1. All those parts of the different city charters of this state, heretofore passed, prohibiting any city from erecting bridges over waters in whole or in part in this state, are hereby repealed.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 262, A.] [Published April 21, 1893.

CHAPTER 286.

AN ACT to amend section 1548, of the Revised Statutes of Wisconsin, as amended by chapter 322, of the laws of 1882, and chapter 296, of the laws of 1885, relating to excise and the sale of intoxicating liquors.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1548, R. S., as amended.

SECTION 1. Section 1548, of the Revised Statutes of Wisconsin, as amended by chapter 322, laws of 1882, and chapter 296, laws of 1885, is hereby amended so as to read as follows: Section 1548. The town boards, village boards and common councils of the respective towns, villages and cities may grant license under the conditions and restrictions in this chapter contained to such persons as they deem proper to keep groceries, saloons, or other places within their respective towns, villages or cities, for the sale of strong, spirituous, malt, ardent or intoxicating liquors and the sum to be paid for such license for the sale of such liquors shall (subject to the right to increase the same as in this chapter provided) be in towns having within their boundaries no incorporated or unincorporated city or village with a population of five hundred or more, one hundred dollars, and in all cities and villages and in towns not herein otherwise provided for, the sum to be paid for such license, shall be two hundred dollars, except for registered pharmacists, as in this chapter provided. The application for any such license shall be in writing and shall state the kind of license applied for and the designation of the premises where such liquors shall be sold. All such license shall remain in force until the first Tuesday of July next after the granting thereof, unless sooner revoked by the board or common council granting the same, such license shall be attested by the town, city or

Town boards, etc., may grant license.

License, amount of.

How long in force.

village clerk, and shall not be delivered until the applicant shall produce and file with the clerk a receipt showing the payment of the sum required therefor to the proper town, village or city treasurer, and until the filing with the clerk of the bond provided for in section 1549, of the Revised Statutes. It is hereby made the duty of all town boards, village boards and common councils, or the duly authorized committees of such common councils, to meet and be in session on the third Monday of June of each year, and from day to day thereafter, so long as it may be necessary, for the purpose of acting upon such applications as may be presented to them, conformable to the provisions of this chapter. The population of any city or village shall be ascertained by the last preceding enumeration by the state or general government.

Town boards, etc., when to meet.

Licenses heretofore granted, how extended.

SECTION 2. All licenses for the sale of intoxicating liquors, heretofore granted according to law, and expiring by the terms thereof on the first Tuesday of May next, may be extended, by the several boards and common councils, until the first Tuesday of July following, conformable to the provisions of this act, upon the payment of the *pro rata* proportion of the annual license fees, and upon the terms, conditions and in the manner provided for in section 1, of this act.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 44, S.] [Published May 3, 1893.

CHAPTER 287.

AN ACT to amend section 3982, Revised Statutes, as amended by chapter 27, laws of 1891, relating to guardians and wards.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 3982, Revised Statutes, as amended by chapter 27, laws of 1891, is hereby amended by adding thereto the following: "If the general guardian of any person who has been adjudged insane in this state, shall petition the county court of the county wherein such insane person resides, alleging that his said ward is insolvent, and giving a statement of the property of his said ward, and an itemized statement of his debts, so far as known to said guardian, thereupon the said court shall take proofs, and if upon such proofs the court finds that said insane person is insolvent, the court shall forthwith issue an order to the creditors of said insane person to file their claims for adjustment, and after such finding of insolvency, the same proceedings shall be had as are now had in county courts for settlement of the debts of a deceased person, as provided in chapter 165, Revised Statutes, as amended," so that said section 3982, Revised Statutes, as amended by chapter 27, laws 1891, when so amended, shall read as follows: Section 3982. Every guardian appointed under the provisions of this chapter, whether for a minor or any other person, shall pay the just debts of the ward out of his personal estate and the income of his real estate, if sufficient, and if not, then out of his real estate, upon being licensed to sell, and selling the same as provided by law; such guardian shall also settle all accounts of the ward and may demand, sue for, collect and receive all debts due to him, or may, with the approbation of the county court, compound and discharge the same on receiving a fair and just div-

Amends sec. 3982, R. S., as amended.

Guardian to pay debts of ward, settle accounts, etc.

idend from the debtor's estate, and he shall appear for and represent his ward in all actions and proceedings, except where another person is appointed for that purpose. Such guardian may also, with the approval of the county judge, adjust, compromise and discharge any and all claims for damages, which his ward may have, and any compromise and discharge of such claims heretofore made by any such guardian in good faith, with the approval of the county judge, is hereby legalized and declared valid. If the general guardian of any person who has been adjudged insane in this state, shall petition the county court of the county wherein such insane person resides, alleging that his said ward is insolvent and giving a statement of the property of said ward, and an itemized statement of his debts, so far as known to said guardian, thereupon the said court shall take proofs, and if upon such proofs the court finds that said insane person is insolvent, the court shall forthwith issue an order to the creditors of said insane person, to file their claims for adjustment, and after such finding of insolvency, the same proceedings shall be had as are now had in the county courts for settlement of the debts of a deceased person, as provided in chapter 165, Revised Statutes, as amended; provided, that nothing in this act shall authorize the sale of the homestead of such insane person.

Insolvency of insane ward, proceedings to determine.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 218, S.] [Published May 11, 1893.

CHAPTER 288.

AN ACT to consolidate and revise the statutes of the state, relating to general elections, the conduct, canvass and returns of the same, and to secure the secrecy and purity of the ballot, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

OF ELECTORS AND GENERAL ELECTIONS.

Who are qualified voters.

SECTION 1. Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state for one year next preceding any election, and in the election district where he offers to vote, ten days, shall be deemed a qualified elector at such election:

1. Citizens of the United States.

2. Persons of foreign birth, who shall have declared their intention to become citizens, conformably to the laws of the United States on the subject of naturalization.

Indian, when may vote.

3. Persons of Indian blood, who have once been declared by law of congress to be citizens of the United States, any subsequent law of congress to the contrary notwithstanding.

4. Civilized persons of Indian descent, not members of any tribe.

What oath to be taken.

Any civilized person being a descendant of the Chippewas of Lake Superior, or any other Indian tribe, and residing within this state, and not upon any Indian reservation, who shall make and subscribe to an oath before the clerk of the circuit court, or his deputy, of the county where such person resides, that he is not a member of any Indian tribe, and has no claim upon the United States for aid and assistance from any appropriation made by congress for the benefit of Indians, and that he thereby re-

linquishes all tribal relations, and right to claim or receive any aid from the United States, which he may have; such oath, when so taken, and filed and recorded as hereinafter provided, shall be presumptive evidence that such person is not a member of any Indian tribe, and of his right to vote at all elections held in this state, when otherwise qualified. The oath taken according to the provisions hereof, and corroborated by the affidavit of a qualified elector, shall be filed in the office of the clerk of the circuit court before whom the same shall have been taken, and shall be recorded by such clerk in a book to be provided for that purpose, upon the person making such oath paying to said clerk the sum of one dollar, and shall entitle such person to vote.

Oath to be filed

Women may vote on school district matters and affairs.

6. Every woman, who is a citizen of this state, of the age of twenty-one years or upwards, except paupers, persons under guardianship, and persons otherwise excluded by section 2, of article 3, of the constitution of Wisconsin, who has resided within the state one year, and in the election district where she offers to vote ten days next preceeding any election pertaining to school district matters, and the election of school district officers in any town, city or village, shall have the right to vote at such election.

To vote at residence.

SECTION 2. No elector shall vote except in the town, ward, village or election district in which he actually resides.

Bribery and betting disqualifies.

No person, who shall have made or become interested, directly or indirectly, in any bet or wager depending upon the result of any election, at which he shall offer to vote, shall be permitted to vote at such election; and any person who shall have been convicted of bribery, shall be excluded from the right of suffrage, unless restored to civil rights.

Elections, when held.

SECTION 3. All elections under this act, shall be held:

Cities.

1. In cities, in the wards or election districts, at the places to be ordered by the common councils thereof, respectively, at least four months before such election, unless otherwise provided by law.

Villages.

2. In villages, at the places in each election district thereof, to be ordered by the trustees of such villages, at least four months before such election, unless otherwise provided by law.

3. In each town, at the place where the last town meeting was held, or at such other place as shall have been ordered at such last meeting, or by the supervisors, when they establish more than one election district, as hereinafter provided, but the first election, after the organization of a new town, shall be at the place directed in the act, order or proceeding, by which it was organized. Towns.

SECTION 4. Election districts, as established, may be divided into two or more districts: Election districts, when may be divided.

1. In towns, when the town board shall deem it for the convenience of the voters.

2. In towns, when fifty or more electors thereof petition the board in writing therefor, the board shall divide the same.

3. In wards, villages or towns, when at any election it shall appear that six hundred or more votes were cast in any election district, the same shall be divided.

SECTION 5. Such division shall be made at least four months prior to the next succeeding general election. In making division, the districts shall be composed of compact contiguous territory, so arranged, that no district shall contain over five hundred voters. The order or resolution making such division, shall be filed with the proper city, village or town clerk, who shall, within five days after such filing, transmit a copy of the same to the county clerk, and in towns and villages post copies thereof in five of the most public places in such town or village. The order or resolution shall designate the districts by numbers; the place where the election poll in each district shall be held, to be fixed with a view to the convenience of the largest number or voters therein. In towns, the order shall also designate the election officers as required in section 38, of this act. When a town is thus divided, the annual town meeting shall be held at the first election district, according to numbers; all other elections, including judicial elections, shall be held at the election districts as divided. Division, when and how made

SECTION 6. In case the council or board, whose duty to make a division shall have become imperative under this act, shall fail or refuse so to do, as herein specified, any voter of such city, Voter may apply to circuit court when council refuses to make division.

town or village, may apply to the proper circuit court or to the presiding judge thereof, for an order compelling such division. Such court or judge may, after reasonable notice, time and opportunity to be heard has been given to the council or board proceeded against, order such division, if it appear that, under this act, it has become the duty of the council or board to make the same. Failure to obey such order within the time specified, unless the same be stayed or superseded therein, shall be deemed a criminal contempt. Until duly divided, as herein required, all elections shall be held in the districts as previously established.

Election not to be held in room where liquors are sold.

SECTION 7. No election held in this state, whether it be for school district, town, municipal, county, state or national officers, or whether the election be for legislative, executive, judicial or administrative officials, shall be held in a room where intoxicating liquors are usually sold, or in any room communicating with such place.

Penalty.

Any official, whose duty it shall be to hold, manage, supervise or inspect elections, who shall offend against the provisions of this section, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be fined not less than twenty-five, nor more than one hundred dollars, besides cost of prosecution. Any citizen may prosecute for violations of this law.

When election may be adjourned to another place.

SECTION 8. Whenever it shall become impossible or inconvenient to hold an election at the place designated therefor, the board of inspectors, after having assembled at, or as near as practicable to, such place, and before receiving any votes, may adjourn to the nearest convenient place for holding the election, and at such adjourned place shall forthwith proceed with the election. Upon such adjournment the board of inspectors shall cause proclamation thereof to be made, and shall station a constable or other proper person at the place where the adjournment was made, to notify all electors arriving at such place of the adjournment and the place to which it was made.

Proclamation to be made.

NOTICES OF ELECTION, HOW GIVEN.

Notice of election to be given by secretary of state.

SECTION 9. The secretary of state, between the first day of July, and the first day of September, in each year in which a governor, lieutenant-governor, secretary of state, treasurer, attorney general, state superintendent, railroad commissioner and insurance commissioner, representatives in congress, members of the assembly, or state senators are to be elected for a full term of office, or in which electors of president and vice-president are to be elected, shall make out a notice in writing, stating that at the next general election the officers aforesaid, or so many of such officers as are then to be chosen, are to be elected, and specifying in the case of such representatives and senators the respective districts in which they are to be elected, and shall publish a copy of such notice in a newspaper printed at the seat of government, once in each week from the date of such notice until the election to which it refers; and shall transmit by mail a like notice to the county clerk of each county, in which such election is to be held, specifying the said officers to be voted for in said county, and in case of a senator, the number of his district.

Notice by county clerk.

SECTION 10. The county clerk thereupon shall forthwith cause a notice containing the substance of the notice so received by him, together with a statement of the several county officers that are to be elected, to be published in at least one newspaper published in the county, and to be transmitted by mail to each town clerk, and the clerk in each village in which, by virtue of its act of incorporation, general elections are to be held, and to one of the inspectors of election in each ward in any city of his county. Whenever the office of county clerk shall be vacant, and there shall be no person authorized to perform his duties, the sheriff shall receive, make out, and transmit by mail such notices.

Notice by town and village clerks and inspectors in wards.

SECTION 11. Every town and village clerk, and the inspector in any ward in any city, ten days previous to any general election, or on receiving any such notice, shall give notice to the town, village and ward electors, respectively,

by posting notices in five conspicuous places in the towns, villages and wards aforesaid, stating the time and place at which the election will be held, and the officers to be chosen, and whether any of the officers to be chosen are to fill vacancies, and the names of the last incumbents of the offices in which vacancies exist.

REGISTRY OF ELECTORS.

Registry, when required.

SECTION 12. In each year, when a general election is by law required to be held, a registry of electors shall be made in each ward or election district of every city, and in each ward or election district of every incorporated village, in which by law separate elections are required to be held, which city or village at the last previous census had a population of three thousand or more, and in every town having a population of three thousand or more, according to the last previous census, which contains such city or village, or any part of which is embraced in any part of any city or village, in which registration is by this act required. And until a census shall be so taken, and the population of such city or village determined as herein mentioned, no registry shall be held or taken therein, or in the towns connected therewith, as aforesaid. Such registration shall be made in the manner provided by this act. No vote shall be received at any general election in any ward or election district as defined in this section, if the name of the person offering to vote be not on said registry, as completed, except as hereinafter provided; but in case any one shall, after the last day for completing such registry and before such election, become a qualified voter of the election district, he shall, upon complying with the provisions of this act, have the same right to vote, as if his name had been registered.

Voters to be registered.

Common council, etc., may apply registry law to municipal and judicial elections.

SECTION 13. The general law requiring the registration of electors, and making provision therefore, shall apply to the annual municipal and judicial elections in all cities, villages and towns, in which registration is required at general elections by the preceding section, when the common council of such city or the board of

trustees of such village, shall, by ordinance or resolution, so declare and provide; but no such ordinance or resolution shall apply to any such election, to be held within thirty days after the adoption of the same by such common council or board of trustees.

Board of registry.

SECTION 14. The persons authorized by law to act as inspectors of election in each of such towns, wards or election districts, shall constitute the board of registry therefor. The said inspectors shall hold their first meeting on Tuesday, four weeks preceding each general election, at the place where said election is to be held; and in election districts at which there were polled at the previous general election three hundred votes or less, they shall sit for one day, and in districts at which there were more than three hundred votes polled, they shall have power to sit two days, if necessary, for the purpose of making such list. They shall meet at nine o'clock in the forenoon, and hold their meetings open until eight o'clock in the evening of each day, during which they shall so sit. The clerks appointed by law to act as clerks of election shall act as clerks of the board of registry on the day of election only. Their proceedings shall be open, and all electors of the district shall be entitled to be heard in relation to corrections or additions to said registry. They shall have the same powers to preserve order, which inspectors of election have on election days; and vacancies in the board shall be filled in the same manner, that vacancies are filled at elections.

First meeting.

Proceedings to be open.

Powers.

Inspectors to take oath.

SECTION 15. The said inspectors, before doing any business, shall severally take and subscribe the oath of inspectors at a general election, and shall, at their first meeting, make a registry of all the electors of their respective districts, placing thereon the full names, alphabetically arranged according to surnames, in one column, and in another the residence by number and name of street, or other location if known. If any elector's residence is at any hotel or public boarding house, the name of the hotel or boarding house shall be stated in the registry. They shall put thereon the names of all persons residing in their election district, appearing on the

Registry, how made.

poll lists kept at the last preceding general and municipal elections, and are authorized to take therefor such poll list from the office where kept, omitting therefrom the names of such as have died or removed from the district, and adding the names of all other persons known to them to be electors in such district. In case of the formation of a new election district, since the last preceding general election, the said board therein may make such registry from the best means at their command, and may, if necessary, procure therefor certified copies of the last poll lists. They shall complete said registry, as far as practicable, at their first meeting, and shall make four copies thereof and certify the original and each copy to be a true list of the electors in their district, so far as the same are known to them; and one of said copies shall be immediately posted in a conspicuous place in the room in which their meeting was held, and be accessible to any elector for examination or making copies thereof, and one copy shall be retained by each inspector for revision and correction, at the second meeting. They shall, within two days after such first meeting, file the original registry made by them, and said poll lists, in the office of the proper town, city or village clerk, and may, in their discretion, cause ten printed copies of said registry to be made and posted in ten of the most public places in said election district, or may publish the same in a newspaper, at an expense not exceeding one cent for each name.

Registry in new election district.

Copies of registry to be posted.

Registry to be filed.

Second meeting.

SECTION 16. The inspectors shall hold their second meeting at the same place designated for holding elections, on the Tuesday one week preceding the election. They shall meet at nine o'clock in the forenoon and hold their meetings open until eight o'clock in the evening. In election districts having less than three hundred voters, as shown by the preliminary registry, the board shall complete the registry on the same day; but if there are more than that number of voters, they shall sit for two days. They shall revise and correct the registry: first, by erasing the name of any person, who shall be proved to their satisfaction, by the oath of two electors of the district, to be not entitled to vote therein at the next ensuing election, unless such person shall

Registry to be revised.

By striking off.

appear and, if challenged, shall answer the questions, and take the oath, hereinafter provided; secondly, by entering thereon the name of every elector entitled to vote in the district at the next election, who shall appear before the board and require it, and state his place of residence, giving street and number, if numbered, or location, as hereinbefore provided, and if challenged, answer the questions, and take the oath provided in case of a challenge at an election; but if any such person shall refuse to answer all such questions, or to take such oath, his name shall not be registered. Any person, who is not twenty-one years of age, before the date when the registry is required to be corrected, but will be, if he lives until the day of election, shall have his name put on such registry, if he be otherwise qualified to be an elector. Any elector, who, did not vote at the previous general election, shall be entitled to be registered, either at the preliminary or final registration of electors, by appearing before the board of registration of his election district, and establishing his right to be registered, or instead of a personal appearance, he may make his application to be registered to the board in writing. Such application shall state the name and period of continuous residence in the election district, and place of residence therein, giving the number and street of the applicant, and in case the person making the application is of foreign birth, he shall state when he came to the United States, and to the state of Wisconsin, and the time and place of declaring his intention to become a citizen of the United States, and that he is entitled to vote at the election. Upon receiving such application, the board of registration shall register the name of such applicant, if it appears to the board that the applicant is by his statement entitled to vote. Such statement shall be preserved by the board, and be filed in the office of the proper town, village or city clerk. Every person named in this section, shall be subject to the same punishment for any false statement, or other offense, in respect thereto, as provided in case of such false statement, or other offense, by an elector offering to vote at an election. After such

By adding to.

When minor may register.

When electors not voting at preceding general election may be registered.

Penalty for false statement.

registry shall have been fully completed on the days above mentioned, no names shall be added thereto by any person or upon any pretext, except as hereinafter provided. Within three days after the second meeting, the said board shall cause four copies of the registry to be made, each of which shall be certified by them to be a correct registry of the electors of their district, one of which shall be kept by each inspector for use on election day, and one shall be forthwith filed in the office of the proper town, city or village clerk. All registries shall at all times be open to the public inspection, at the offices where deposited, without charge.

Copies of registry to be certified and kept.

Within three days after completing the registry, the inspectors shall give notice, by public advertisment in a newspaper printed in the city, village or town where such registration was made, of the registry, and shall include in such notice all additions to, and omissions from, the preliminary lists, and shall also state when and where the election is to be held. If no newspaper be printed in such city, village or town, such notice shall be given by posting copies in three or more public places in each ward or election district in such city, village or town; for publishing such notice the same compensation shall be paid per folio, that is prescribed for publishing other legal notices.

Inspectors to give notice of the registry.

SECTION 17. No votes shall be received at any general election, if the name of the person offering to vote be not in the registry made at the second meeting of the inspectors of election for such ward or district, unless the proofs be made on election day by affidavit, as provided by section 56, of this act.

Vote not to be received from persons not registered. (See sec. 55.)

REGISTRATION FOR JUDICIAL AND SPECIAL ELECTIONS.

SECTION 18. At judicial elections, where a registry of electors shall be required by law, or at any special election held for the purpose of filling a vacancy which occurs in an office which by law is to be voted for at a general election, the registry list used at the last preceding general election may be used; and the inspectors of

Registration of preceding general election may be used.

election at each polling place may, on the day of election, revise the same, by adding thereto the names of such persons as are known to them, or as shall be satisfactorily shown, in the manner provided in this act, to be entitled to vote at such election, and by striking therefrom the names of such persons as are known to them to have died or otherwise become disqualified since the last preceding registration. May be revised.

NOMINATION OF CANDIDATES AND OFFICIAL BALLOTS.

SECTION. 19. The mode of nominating candidates, and the preparation and use of official ballots, hereinafter prescribed, shall apply to all general elections, held in all towns, cities, villages, wards and election districts; to all municipal elections, as herein provided for; to all judicial elections, except as herein provided; to all special elections, as to officers whose election is required by law to be at a general election, when such special election is called to be held at the same time and place as the general election; but the same shall not apply to other special elections. To what elections to apply.

SECTION 20. Candidates to be voted for at the elections to which this act applies, may be nominated in the following manner: Candidates, how nominated.

First. By a convention or primary meeting, held for the purpose, consisting of an organized assemblage of electors or delegates, representing a political party which at the last preceding general election before such convention polled at least two per cent. of the entire vote cast in the state, county or other district, or division, for which the nomination is made for its candidate receiving the highest number of votes. By convention; of whom to consist.

Second. In nominations for municipal officers, by a convention of at least thirty electors of the city, or at least nine delegates chosen for the purpose; if for a ward office, at least ten electors of the ward must have participated in the causus or ward meeting to nominate. Convention to nominate municipal officers

Third. Any public officer. political or judicial, may be nominated by a nomination paper or papers containing the name of the candidate, By nomination paper; what to contain.

the office for which he is nominated, his business or vocation, his residence, with street and number, if any, and the party or principal which he represents, expressed in not more than five words.

Number of signatures required.

Such paper shall be signed, if for an officer to be voted for throughout the state, by at least one thousand voters of the state; if for an officer to be elected by a county, district, or other division less than the state, by a number of voters thereof, not less than one per cent. of the whole number of votes cast therein, at the last general election preceding such nomination, and at least thirty voters; if for a ward office in a ward polling less than one hundred and fifty votes, by at least fifteen electors of such ward. Signatures need not be upon the same paper. Each voter can sign for but one nomination to the same office; he shall add to his signature his business and residence, street and number, if any. But in using words to express the party or principles represented by a candidate nominated by a nomination paper, if the same name is used as pertains to some political party making a nomination by convention, the words "nomination paper" shall be used as a part of such designation. To each separate nomination paper, containing signatures, must be appended an affidavit, sworn to by some qualified elector, to the effect that he is personally acquainted with all the persons who have signed the foregoing nomination paper; that they are electors, and that their residence and business are truly stated in such paper. But such affidavit shall not be made by any person who is a nominee in such paper, or a candidate for any office, to which it is intended as a nomination paper.

Affidavit of qualified electors to be attached, what to contain.

Certificate of nomination, what to specify.

SECTION 21. Nominations made by a convention or primary meeting, as herein provided, shall be evidenced by a certificate in writing specifying as to each candidate:

Name.

First. His name, giving christian name in full; middle name, if any, may be by initial letter.

Business.

Second. His business or vocation.

Residence.

Third. His place of residence, with street and number, if any.

Fourth. The party or principle he represents expressed in not more than five words; which

certificate shall be signed by the presiding officers of such convention or primary meeting, who shall add to their signatures their respective business, places of residence, street and number, if any, and shall make oath, or affirm before some officer, qualified to administer oaths, that the affiants were officers of such convention or primary meeting, and that the statements contained in such certificate are true to the best of their knowledge and belief. In the same certificate, as a further statement, the president of the convention, and the chairman in primary meetings, shall give the names and postoffice address of the persons appointed as a committee to represent the party, and may state what powers were delegated to them as such committee, and such statement shall be prima facie evidence of their appointment and the powers so stated.

Party or principal represented.

Certificate, how executed.

To contain names, etc., of committee.

SECTION 22. Certificates of nomination and nomination papers shall be filed as follows: If for offices to be voted for throughout the state, or any division or district embracing more than one county, with the secretary of state, not more than forty days, nor less than twenty days before the day fixed by law for the election for which the nominations are made. If for county offices, or other than municipal offices and those mentioned in the preceding class, then with the county clerk, not more than thirty, nor less than fifteen days before such election. If for municipal offices, including ward offices, with the city clerk, not more than fifteen, nor less than seven days before the election. Certificates and nomination papers shall be preserved by the proper officers with whom the same are filed, and shall be open for public inspection.

Certificates, how filed.

With secretary of state.

With county clerk.

With city clerk.

To be preserved.

SECTION 23. Not less than fifteen, nor more than twenty days before an election to fill any public office, the secretary of state shall certify to the county clerk of such county, within which any of the electors may, by law, vote for candidates for such offices, the name and description of each person nominated for such office, as specified in the certificate of nomination, filed in his office, and in case of new nomination papers, filed as hereinafter provided, after he has certified the original nominations, he shall forthwith upon such filing further certify to the clerks of

Secretary of state to certify names of candidates to county clerk.

the proper counties the name and description of such new nominee, as in case of a new nomination.

Nominations, how declined.

SECTION 24. Any person nominated to office, may decline and annul the same, by delivering to the officer with whom his certificate of nomination or nomination paper is filed, five days before election in case of city officers, and ten days in other cases, a declination in writing, signed by him and acknowledged before some officer authorized to take acknowledgments.

Vacancy, how filed.

Upon such declination, or the death of a nominee, the vacancy or any vacancy caused by the insufficiency of certificates of nomination or nomination papers, may be filed in the same manner as original nominations, or by the committee representing the party; the chairman and secretary of the committee in such case shall make and deliver to the proper officer for filing a certificate, duly signed, certified and sworn to, as required in case of original certificates, setting forth the cause of the vacancy, name of new nominee, office for which nominated, and such other information as is required in case of original certificates. This certificate must be filed eight days before election, except in case of city offices, in which the time shall be four days; and when so filed shall have the effect of an original certificate.

When by chairman of committee.

If such declination, death, or the permanent removal of a nominee, take place after the ballots are printed, and before election, the proper chairman of the committee of the political organization of which such candidate was the nominee, may make a nomination to fill the vacancy, and provide the election board with pasters, containing the name of such nominee only, which shall be pasted upon each of the official ballots, by the ballot clerks, before signing their initials thereon, and delivering the ballot to the voter.

Deceased nominee, when votes to be cast for.

If the nominee die after the ballots are printed, and no nomination shall have been made as herein provided, the votes cast for such deceased nominee shall be counted, and the vacancy filled as in case of vacancies occurring by death after election.

DIVISION OF PARTIES INTO FACTIONS.

SECTION 25. In case of a division in any party, and a claim by two or more factions to the same

party name, the officer with whom the nomination papers or certificates are filed shall, in preparing ballots, give preference of name to the convention held pursuant to the call of the regularly constituted party authorities, and if the committee representing the other faction present no other party name, the officer with whom the certificate is filed may designate the same in such manner, as will best distinguish them. When two or more conventions shall be held, each claiming to be the regular party convention, preference in designation shall be given to the nominations of the one certified by the committee which had been officially certified to be authorized to represent the party; when no party convention is held by the party entitled to nominate as a party, the names of nominees for any office, who shall be designated in nomination papers as members of and candidates of such party, shall be printed on the official ballots, with the party principle they represent. In case two or more nomination papers are filed for the same office, each having the same party designation, they shall be printed on the official ballots with the party principle they represent.

Ballots, how to be prepared when party divided.

NOTICE OF ELECTION TO BE PUBLISHED.

SECTION 26. At least seven days before an election to fill any public office, the county clerk of each county shall cause to be published in two newspapers, and in counties where no daily paper is published, the county clerk may cause the same to be published in not to exceed two additional papers, if there be so many published within the county, the nominations to office certified to him under the provisions of this act. One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election cast the largest number of votes, and the other publication shall be made in a newspaper which advocates the principles of the political party that at the last preceding election cast the next largest number of votes. The county clerk shall make such publications daily in such counties where daily newspapers are published; but if there be no daily newspaper published within the county, one

County clerk to cause notice to be published.

In what newspapers.

Publication in case of municipal election.

publication in each newspaper shall be sufficient. In case of a municipal election, such publication shall be made by the clerk thereof two times in all the newspapers published daily in such city, and once in such weekly newspapers as he shall deem necessary to give the electors proper information. Such publication shall be made in the ordinary news columns, in type not larger than long primer, nor smaller than minion. One of such publication in each newspaper shall be upon the last day upon which such newspaper is issued before election. In addition to the publication required to be made by this section, so much of the following section, as relates to "information to voters," may be published in such papers as are printed in foreign languages, fairly translated into such language, with illustrative examples as to the proper manner of marking a ballot, as in the judgment of the clerk may be proper and necessary.

Information to voters, how published in foreign languages.

OFFICIAL PUBLICATION, INFORMATION TO VOTERS.

SECTION 27. In making the official publication required by the preceding section, the county or city clerk, as the case may be, shall precede the same with a statement which shall be substantially in the following form, the heading for which shall be conspicuously displayed:

Form of notice.

ELECTION NOTICE.

Office of....., clerk,
....., 18....

To the electors of.....county (or city):

Notice is hereby given that a general election (for judicial or municipal election, as the case may be) is to be held in the several towns, wards and election precincts in the county (or city) of .....on the..... day of....., 18...., at which the officers named below are to be chosen. The names of the candidates for each office to be voted for, whose nominations have been certified to this office, and the questions submitted to a vote, are given opposite the name of the office and under the appropriate party or other designation, each in its appropriate column below.

INFORMATION TO VOTERS.

Information to voters.

The following instructions are given for the information and guidance of voters: A voter upon entering the polling place, and giving his name and residence, will receive a ballot from the ballot clerk, which must have endorsed thereon the names or initials of both ballot clerks, and no other can be used. Upon receiving his ballot, voter must retire, alone, to a booth or compartment, and prepare the same for voting. A ballot clerk may inform the voter as to the proper manner of marking a ballot, but he must not advise or indicate in any manner whom to vote for. The voter, if he wishes to vote for all the candidates nominated by any party, should make a cross mark X, under the party designation printed at the top of the ballot in the square made for that purpose. A ballot so marked, and having no other mark, will be counted for all of the candidates of that party in the column underneath, unless the names of some of the candidates of the party have been erased, and will be counted for all names written in lieu of one erased or pasted over a printed name. If the voter wishes to vote for some of the candidates of different political parties, he should erase the names of the candidates he does not desire to vote for, and make a cross mark, X, after the name of each candidate he does desire to vote for. If he wishes to vote for a person for a certain office, whose name is not on the ballot, he must write the name in the blank space under the printed name of the candidates for the office, and make a cross, X, in the square at the right of it. The ballot should not be marked in any other manner. If the ballot be spoiled, it must be returned to the ballot clerk, who must issue another in its stead, but not more than three in all to any one voter. Five minutes' time is allowed in booth to mark ballot. Unofficial ballots or memorandum, to assist the voter in marking his ballot, can be taken into the booth, and may be used to copy from. The ballot must not be shown so that any person can see how it has been marked by the voter. After it is marked, it should be folded so that the inside cannot be seen, but so that the printed en-

Ballots, how marked; for all candidates of one party.

For various candidates.

Spoiled ballot to be returned.

Ballot; how folded.

How voted.

dorsements and signatures of the ballot clerks on outside may be seen. Then the voter should pass out of the booth, give his name to the inspector in charge of the ballot box, hand him his ballot, to be placed in box, and pass out of the voting place.

Assistance to voter unable to read or physically disabled.

A voter, who declares to presiding officer, that he is unable to read, or that by reason of physical disability he is unable to mark his ballot, can have assistance of one or two election officers in marking same, to be chosen by the voter. The presiding officer may administer an oath, in his discretion, as to such person's disability. The party designations and candidates for the different offices are as follows: (Insert list of party designations and candidates, and constitutional amendments, if any).

.....County Clerk.

What to be added to notice

No other or further publication of an election notice shall be required to be made by any county or city clerk, except that in cities the clerk shall, at the foot of this notice, specify the place of voting in each election precinct and the hours of opening and closing the polls. In municipal elections, the above notice shall be given, omitting the instructions to electors, and the names of candidates, giving only the names of the offices to be voted for.

BALLOTS, FORM OF.

Ballots, upon what paper to be printed; arrangement.

SECTION 28. Every ballot, for use at a general election, which shall be printed under the provisions of this act, shall be upon plain, number one flat, white print paper, at least twelve inches wide, and of sufficient length to afford space for all the tickets, or several candidates, in columns therein. The several regular party tickets, nominated by conventions or by regularly constituted and authorized committees, shall each be printed in one column, under the appropriate party designation, the columns to be arranged alphabetically, according to the first letter of the party name, thus: "Democratic Party," "Labor Party," "Prohibition party," "Republican Party," such party designation to be given, as hereinbefore provided. On the left hand side of the ticket shall be a column designating the office to be voted for, and on the same line in the columns under the appropriate party

designation of each, all the names of candidates duly nominated for that office shall be printed. There shall be a space between the party designation at the top of each column, and the name of the head of the ticket, of five-eighths of an inch; and in the center of the space under the party designation, a square of three-eighths of an inch, formed by black lines, in which the voter by his mark may declare that he votes for all names printed in that column, except such as are erased or written over, as hereinafter specified. There shall also be left under the name of each candidate sufficient space to write a name therein, in lieu of the one printed; and on the same line with the name of each candidate, and at the end of his name there shall be a space enclosed in a square of black lines, in which the voter may designate, by a cross mark, or other mark, his choice for each candidate opposite the name of such candidate. No pasting names over a ticket, or any names thereon, shall be allowed, and no names pasted on a ticket shall be counted except as provided in section 24, of this act. When any person is nominated for the same office by more than one party or convention, his name shall be placed in each column in which the nominations of such parties or conventions are given, and but one marking thereof on the same ticket shall be counted. Persons nominated by paper nominations, and not included in the regular convention tickets, shall be placed in one or more columns under the designation of "Individual Nominations," on the same line with the office for which they are nominated, and after the name of each shall be printed his party designation, as given in his nomination paper, and following that, on the same line, the space for marking. On the back and outside of every ballot shall be printed the words "Official ballot for....," followed by the designation of the polling place for which the ballot is prepared and the date of the election, the official indorsement, and a blank certificate in the following form:

Squares for marks for voting.

Pasting names forbidden.

Individual nominations.

Indorsement of ballots.

"I certify that the within ballot was marked by me for an elector, incapable under the law of marking his own ballot, and as directed by him.

.....

Inspector of Election."

Ballots for school and judicial offices

No party designation need be placed up
lots for school or judicial offices, exc
county or district superintendent of schoo
side of cities.

Order of arrangement of offices.

SECTION 29. In general elections, the o
arrangement of offices, to be filled by the
shall be:

National.

First. Under the head of "national," th
idential electors, if any, the list of which
headed by the names of the nominees of th
for president and vice-president.

State.

Second. Under the head of "state," the
of the several state officers to be filled, thu
ernor, lieutenant-governor, secretary o
treasurer, attorney general, state superint
railroad commissioner, commissioner of ins
and such other elective state officers as
provided by law.

Congressional.

Third. Under the head of "congression
member of congress of the district.

Legislative.

Fourth. Under the head of "legislativ
state senators and members of assembly.

County.

Fifth. Under the head of "county," the
ty officers in the order prescribed in secti
of the Revised Statutes, including the
superintendent of schools for the district.

If any officer to be elected is to fill a va
that fact shall be so specified upon the

Constitutional amendments and other questions.

When the approval of a constitutional
ment, or other question, is submitted to th
of the people, such questions shall be prin
accordance with the act or resolutions di
its submission, upon the ballot after the
of candidates, and separated therefrom
appropriate line or rule, and opposite the qu
submitted shall be two spaces, over one of
shall be printed the word "yes," and ove
the word "no," and the voter may mark h
lot in the space under whichever word ind
his vote on the question, unless the act or r
tion provide or require a different form of
in which case a proper form of ballot sh
furnished.

Form of official ballots.

SECTION 30. The official ballots prescrib
this act, shall be with the endorsements th
and instructions given at the head, substan
in the following form:

Official Ballot

FOR

_____ *Precinct,* _____ *Ward,*

City (or Town) of _____,

November _____, *189* .

_____

_____

Ballot Clerks.

I certify that the within ballot was marked by me for an elector incapable under the law of marking his own ballot and as directed by him.

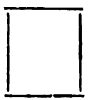
_____

Inspector of Election.

Sample Official Ballot for Municipal Elections.

Mark a cross opposite the name of the person you wish to vote for, or write his name in the blank space under the name erased, or, if you wish to vote for an entire ticket mark a cross thus (X), in the square above such ticket.

MUNICIPAL TICKET.

	Democratic Ticket.	Prohibition Ticket.	Republican Ticket.	Union Labor Ticket.	Individual Nominations.
					
For Mayor	A. B.	A. B.	A. B.	A. B.	A. B., Prohibitionist
For City Clerk	C. D.	C. D.	C. D.	C. D.	C. D., Republican
For City Treasurer	A. B.	C. D.	C. D.	C. D.	C. D., Democrat

SECTION 31. Except as in this act otherwise provided, it shall be the duty of the county clerk of each county, and of the city clerk of each city, to provide printed ballots for every election for public officers to be voted for in such county or city, and to cause to be printed in the appropriate ballot the name of every candidate whose name has been certified to or filed with the county or city clerk as provided in this act. Ballots not provided by the respective county or city clerks, according to this act, shall not be cast or counted in any election, except as herein provided. But any voter may write upon his ballot the name of any person for whom he desires to vote, for any office, in such place, or so designated, as to indicate the office, and such vote shall be counted the same as if printed upon the ballot, and marked by the voter; and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as hereinafter otherwise provided. Ballots shall be printed and in possession of the county clerk and city clerk, at least four days before election, and in case of a municipal election, the ballots shall be printed and in possession of the city clerk, at least two days before election, and subject to inspection by the candidates and their agents. If any mistake be discovered, in printing or arrangement, it shall be the duty of the clerk to correct the same without delay. In all general elections, including judicial elections, such ballots shall be printed and distributed solely at the expense of the county; in municipal elections, solely at the expense of the municipality.

City and county clerk to provide ballots.

Ballots subject to inspection.

Mistakes to be corrected.

SECTION 32. There shall be printed, by the county clerk of each county, and the city clerk of each city, one hundred ballots for every fifty or fraction of fifty votes, cast at any preceding election in the district. The county or city clerk shall, at the time of ordering official ballots to be printed, cause unofficial sample ballots to be printed upon tinted or colored paper, and in the same form as the official ballot, and delivered to the chairman of any political committee, in the county or city, as the case may be, upon the request for such ballots, by such committee, to an

Number of ballots to be printed.

Sample ballots.

To whom delivered.

amount not exceeding one-tenth of the official ballots for each precinct in the county or city. Such request must be made before the printing of the official ballots, and they shall be paid for in the same manner, that official ballots are paid for, without additional charge for composition. A committee may, at its own expense, order a larger supply of sample ballots than is required by this section. All ballots ordered printed by the county clerk of each county, and the city clerk of each city, as provided for in the preceding section, shall be printed at the cost of their respective counties, or cities, as ordered.

SCHOOL OFFICERS IN CITIES.

Separate official ballots for school elections.

SECTION 33. Where provision has been made in the charter of any city in this state for the election of school officers in such city, by a separate ballot for said officers, separate official ballots for such officers shall be printed and furnished to the inspectors of election, in the several wards, in sufficient quantities to supply the electors of such city.

DISTRIBUTION OF BALLOTS.

City and town clerks to receive ballots twelve hours before polls open.

SECTION 34. The county and city clerks shall send the ballots printed by them for the several polling places in each city or town in the county as herein provided, to all the several city and town clerks, so as to be received by them twelve hours at least previous to the opening of the polls on the day of election, in separate sealed packages, with marks on the outside of each, clearly designating the polling place for which they are intended, and the number of ballots of each kind enclosed; and the respective city and town clerks shall, on delivery to them of such packages, return receipts therefor, and shall keep a record of the time when, and the manner in which, the several packages are sent, and each clerk shall preserve for the period of one year the receipts therefor; each clerk shall send to the board of inspectors of each polling place in his city or town, before the day of election, the ballots so prepared,

Receipts to be returned and preserved.

Clerk to send ballots to boards of inspectors.

sealed and marked for each voting place, and a receipt of such delivery shall be returned to them from the presiding or senior election officer present, which receipt shall be kept in the clerk's office. In case the ballots to be furnished to any city or town or voting place therein, in accordance with the provisions of this act, shall fail for any reason to be duly delivered, or in case after delivery, they shall be destroyed or stolen, it shall be the duty of the clerk of such city or town to cause other ballots to be prepared, in printing or writing, substantially in the form of the ballots so wanting; and upon receipt of such other ballots from him, accompanied by a statement under oath that the same have been so prepared and furnished by him, to replace the original ballots which have not been received, or have been so destroyed or stolen, the election officers shall cause the ballots so substituted to be used in lieu of the ballots so wanting. If from any cause the ballots are not ready for distribution at any polling place, as heretofore provided, or if the supply of ballots should be exhausted, before the polls are closed, the fac-simile unofficial ballots may be used, but the voter using them must, before voting, present them unmarked to the ballot clerks, have their signatures or initials indorsed thereon, and then the voter shall prepare it for voting.

Ballots lost, how replaced.

Unofficial ballots, when may be used.

POLLING BOOTHS TO BE PROVIDED.

SECTION 35. All officers, upon whom is imposed by law the duty of designating polling places shall, under the penalties herein provided, provide and maintain in each polling place, designated by them, a sufficient number of places or compartments, at least twenty-four inches wide and twenty-four inches deep, with shelves for writing, which shall be furnished with such supplies and conveniences as shall enable the voters to conveniently prepare their ballots for voting, and each compartment shall be furnished with a door, screen, or curtain of cloth, so hung as to completely screen the voter, and any one who may lawfully assist him, from observation, while marking and preparing

Booths, by whom and how erected.

ballot, and said room shall have a guard rail so constructed, that only persons within said rail can approach within five feet of the ballot boxes, or the places and compartments herein provided for. The number of such places, shelves or compartments, shall not be less than one for every fifty electors, who voted at the last preceding general election in the district. No person except the officers of election, other than voters engaged in receiving, preparing or depositing their ballots, shall be permitted to be within said rail. The expense of providing and maintaining such places, shelves, compartments, doors, screens or curtains, and guard rails, shall be a public charge, and shall be provided for in the same manner as the other election expenses.

REPRESENTATIVES OF PARTIES AT POLLING PLACES.

Challengers, how appointed.

SECTION 36. Two party agents or representatives, and a substitute or alternate for each of them, may be appointed for each polling place, to act as challengers for their respective parties and candidates, and to observe the proceedings of election officers. Such appointments may be made, in case of a municipal election, by the chairman of the political committee of any party that has nominated the candidates to be voted for at such election; in other cases of convention nominations, by the county or other proper local committee of the party making such nomination; and in case of candidates nominated by nomination papers, the candidate may appoint, such appointment to be made in writing under the hand of the person making it, specifying name and residence of the appointee, and election district for which he is appointed, and the name of some substitute to be appointed, in case of his failure to serve, or absence from polling place, to be permitted to serve in his stead, and to be filed with the clerk of the city, town, village or district, in which the election district is situated, at least three days before election. The clerk shall thereupon issue a permit, upon a printed slip or card, to such appointee, which shall be his warrant of authority to be present during the elec-

In municipal election.

In other cases.

Permit, clerk to issue.

tion and to be inside the railed inclosure during the counting of the ballots. If any so appointed as agent, fail to serve, or be absent for any part of election day, the clerk may issue a permit to the substitute or alternate so appointed, who may act instead of such absentee or one failing to serve.

APPOINTMENT OF INSPECTORS OF ELECTIONS, ELECTION AND BALLOT CLERKS.

SECTION 37. There shall be three inspectors, two clerks of election, and two ballot clerks at each poll at every election held under the provisions of this act, who shall be qualified electors at such poll and election. Any inspector may administer any oath required by law in the registration of voters or the conducting of an election. They shall be appointed or chosen in the manner following: Number at each poll. How appointed.

1. The mayor of every city, and the president of every village, which is not joined to a town for the purposes of state and county elections, shall nominate to the common council of such city, or board of trustees of such village, at their first regular meeting in September of each year, and if none such, then at a special meeting which shall be held for such purpose, on the last Tuesday of said month, three persons for inspectors of election, two persons for clerks of election, and two for ballot clerks in each election district therein. The persons so nominated shall, each of them, be electors in the district for which appointed, shall be able to read and write the English language understandingly, and shall not be candidates to be voted for at such election; and not more than two of such inspectors, nor one of said clerks of election, nor one of said ballot clerks, so nominated, shall be of the same political party, but shall be chosen from the two parties casting the largest vote in such district at the last preceding general election. Such common council, or board of trustees, shall immediately approve or disapprove such nominations. If they disapprove as to any such nominee, the mayor or president shall immedi- In cities and villages. Qualification.

ately nominate another person, qualified as aforesaid, and shall continue so to do, until the requisite number shall have been nominated and confirmed at such meeting. The persons so appointed inspectors and clerks, shall hold their offices for one year, and shall act as inspectors and clerks at every general, municipal and special election, held within their respective districts, during such term. Such inspectors shall fill any vacancies in their number, or in the number of such clerks, by persons qualified as aforesaid, and may appoint one of their number as chairman.

Term of office.

In towns; when supervisors to be inspectors.

2. In towns, the supervisors shall be inspectors of election, when they belong to the opposite political parties casting the greatest number of votes at the last preceding general election. Whenever the supervisors all belong to the same political party, then the supervisor last named in the clerk's certificate of election, or recorded in the town clerk's office, shall be ineligible, and shall not act; but an inspector from the electors present, possessing the qualifications aforesaid, and belonging to the opposite political party casting the greatest number of votes as aforesaid, shall be chosen in his place by the *viva voce* vote of the electors present at the polling place at the opening of the polls.

Town board to designate election officers where two or more voting districts.

3. When a town is divided into two or more voting districts as provided in section 6, of this act, the town board, in the order of division, shall designate the election officers to act, if present, at such polling places, and designate a chairman at each place. The other election officers, so designated, shall hold for one year, and until their successors are appointed and qualified.

Clerks of election in towns, how appointed; ballot clerks.

4. In towns, the town clerk, if present, shall be one of the clerks of election, and the inspectors shall, before the opening of the polls, appoint another; if he be absent, they shall appoint two, and also two ballot clerks. The two clerks of election and two ballot clerks shall possess the qualifications, and shall belong to the two opposite political parties casting the largest vote as aforesaid.

Vacancies, how filled.

5. If, at the time fixed for opening the polls, on the day of election, at any polling place, the

inspectors, or clerks, or any of them, fail to appear, or refuse to act, or have become incapable of acting, the inspectors, if a majority be present, may fill such vacancies. If otherwise, or if the inspectors present fail or refuse to fill the vacancy, the electors present may fill the same by *viva voce* vote, by choosing some elector present, possessing the qualifications, and belonging to opposite parties as aforesaid.

Board of canvassers, inspectors and clerks to be.

SECTION 38. The inspectors and clerks of election shall constitute the board of canvassers of their respective towns, wards, election districts, or polling places.

OATHS OF INSPECTORS AND CLERKS.

Form of oath.

SECTION 39. Previous to receiving any vote, the inspectors and clerks of election, and ballot clerks, shall, severally, take an oath or affirmation that they will support the constitution of the United States, and the constitution of the state of Wisconsin, and will perform the duties of inspectors (or clerks, as the case may be) of election, according to law, and will studiously endeavor to prevent all fraud, deceit or abuse, in conducting the same. Said oath or affirmation shall be in writing, shall be subscribed by the person taking the same, and shall be annexed to, and returned with, the poll list to the county clerk.

POLLS WHEN OPENED.

Polls, when to be opened and closed.

SECTION 40. The polls at every election held in this state, in all incorporated cities containing five thousand inhabitants or over, shall be opened at six o'clock in the morning, and shall be closed at seven o'clock in the evening of the same day. The polls of the elections held in other cities, and in towns and villages, on the Tuesday next succeeding the first Monday in November, shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall be closed at sundown; provided, that the common council of any city containing less than five thousand inhabitants may, by resolution, adopted and published in some newspaper in the city at least

ten days before election, fix an earlier hour for the opening of the polls in said city, not earlier than sunrise. The inspectors of election shall cause public proclamation to be made at the opening and closing of the polls.

Public proclamation to be made.

DUTY OF BALLOT CLERKS.

Ballot clerks to endorse and file ballots.

SECTION 41. The ballot clerks shall only serve on election day. It shall be their duty to take charge of the official ballots, to write their names or initials upon the back of each ballot, under the printed endorsement thereon, and to fold it in proper manner to be deposited, and to deliver to each voter as he enters the voting booth, one ballot, duly folded and endorsed. The ballot clerk may, if requested by the voter, instruct him as to the proper manner of marking his ballot, but shall give no advice, nor suggestions, nor express any preference, nor make any requests as to the person or ticket the voter shall vote for.

May instruct voters.

HOW BALLOTS TO BE MARKED.

Voters to retire to booth and mark ballots.

SECTION 42. On receipt of his ballot, the elector shall forthwith, and without leaving the polling place, retire alone to one of the booths or compartments provided to prepare his ballot. He shall prepare the same by marking, at the head of the ticket he wishes to vote for, or against the name of the person or persons he wishes to vote for, a cross mark thus, X, or in case of a ballot containing a constitutional amendment, or a question submitted to a vote of the people, by marking in the appropriate margin or place a cross mark or other symbol, as herein provided, under or against the answer which he desires to give as his vote. He may use or copy an unofficial sample ballot, which he may choose to mark or have marked in advance of having entered the polling place, but he shall not be at liberty to use or bring into the polling place any unofficial sample ballot printed upon paper of the color or quality now required to be used for printing of ballots, under the provisions of this

May use sample ballot.

act, or the general election laws of this state. After preparing his ballot, the elector shall fold each of them so that the face of the ballot will be concealed, and so that the printed endorsement, and the signatures or initials of the ballot clerks thereon, may be seen. He shall then vote, forthwith, and before leaving the polling place. Ballot, how folded.

VOTING ENTIRE PARTY TICKET BY ONE MARK.

SECTION 43. Any elector may mark a cross, as above described, in the space under a party designation printed at the head of the ballot. Such ballot, so marked, shall be counted for all of the nominees of the party, whose names and designations appear on the ballot in that column, unless the voter shall have erased some name in the column, or marked against the name of the candidate for the same office in some other column, or written in another name; in which case the name written in, or marked in another column, shall be counted as the one voted for the particular office. Entire party ticket, how voted.

MANNER OF VOTING.

SECTION 44. Not more than one person shall be permitted to occupy any one shelf or compartment at one time, except when assistance may be required for marking the ballot, and he for not longer than five minutes; provided, the other shelves or compartments are occupied. It shall be the duty of the presiding election officer for the time being, to enforce the observance of this provision, and to prevent any person from taking any notice, how another person marks his ballot, unless required to assist as provided in section 47, of this act. Time voter may remain in booth.

SECTION 45. Any voter who shall, by accident or mistake, spoil, or erroneously prepare his ballot, may, on returning the same, receive another; but no voter shall receive to exceed three ballots in all. Voter spoiling ballot may receive another.

ASSISTANCE TO VOTERS IN MARKING BALLOTS.

Voter physically disabled, etc., may have assistance.

SECTION 46. Any voter, who declares to the presiding election officer that he is a voter, and cannot read or write, or that, by blindness or other physical disability, he is unable to mark his ballot, shall be informed that he can have the assistance of either of the inspectors, clerks or ballot clerks to assist him in marking his ballot, or two of them, if he desires. The person or persons selected shall retire to the booth or compartment with the elector, and such officer or officers shall read the names of all the candidates on the ballot for each office, and ask the elector "Which one do you vote for?" and the ballot shall be marked according to the expressed preference of the voter; and such officer or officers shall certify on the outside that the ballot was marked with his or their assistance, and shall thereafter give no information regarding the same. The presiding officer at the election may, in his discretion, require such declaration of disability to be made by the voter under oath before him, and he is hereby qualified to administer the oath. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall, for that reason, be entitled to assistance in marking his ballot. After a ballot has been marked for a voter, he shall not show such ballot to any person; provided, however, that it may be submitted to another election officer, to ascertain if it has been marked as he desired. The clerk shall enter upon the poll list after the name of any elector, who had assistance in marking his ballot, a memorandum stating that the ballot was marked by an inspector or clerk.

Duty of person assisting voter.

Oath may be required of such voter.

What memorandum to be made.

WHEN BALLOTS MAY BE RECEIVED AT THE DOOR.

SECTION 47. If it shall be announced to the board of inspectors in any election precinct, that a voter is at the door, who is unable to enter the

polling place without assistance, the board of inspectors may, in their discretion, appoint one of their number to take an official ballot and go to the entrance of such polling place, and present it to such physically disabled person, and assist him in marking it, if such voter desires him to do so. When the ballot shall have been marked, it shall be folded and immediately taken back into the polling place, whereupon the inspector shall distinctly announce that he holds in his hand "a ballot offered by ———— (naming the person), a person who is physically disabled from entering the room without assistance." He shall then ask the question, "Does any one object to the reception of this ballot?" If no objections are offered the ballot shall be deposited in the box, and a minute shall be made on the poll book by the clerks of election thus: "Ballot received at the door." In case objection is made to the reception of the ballot, by any qualified elector present, the inspectors shall decide upon the objection, and if they deem it well founded, shall destroy the ballot; otherwise it shall be deposited.

Voters unable to enter polling place may send in ballot by inspector.

Announcement to be made by inspector.

BALLOTS NOT ENDORSED, NOT TO BE COUNTED.

SECTION 48. Any person who shall knowingly deposit a ballot in the ballot box, upon which ballot the names or initials of the ballot clerks, or of a ballot clerk and inspector, as hereinbefore provided, do not appear, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in section 4635, of the Revised Statutes, and in the canvass of the votes any ballot which is not endorsed, as provided by this act, by the signatures or autograph initials of the ballot clerks, or of a ballot clerk and an inspector, shall be void, not counted, and be treated and preserved as a defective ballot; provided, that this section shall not apply to ballots cast by women for school officers.

Penalty for knowingly voting unendorsed ballot.

THE INTENTION OF THE VOTER TO PREVAIL.

Rules for determining intent of voter.

SECTION 49. All ballots cast at any election shall be counted for the persons for whom they were intended, so far as such intent can be ascertained from the ballot itself. In determining the intent, the following rule shall be observed: First, if the elector shall place a cross mark, or other equivalent mark, or symbol, under a party designation, at the head of the column, in or near the space indicated for that purpose, he shall be deemed to have voted for all the candidates whose names appear in the column under such mark, unless some name or names shall be erased, or unless in some other column he shall have placed a mark opposite the names of some other candidate for the same office. Second, when the voter shall place a mark against two or more names for the same office, he shall be deemed to have voted for none of them, and the vote counted for none. Third, if an elector shall mark his ballot with a cross mark, X, or any other mark, as

/, \, V, O, —, |,

indicating an intent to mark against any name, it shall be deemed a sufficient vote for the candidate against whose name the mark is made. Fourth, when the elector shall have written the name of a person in the proper place for writing the same, he shall be deemed to have voted for that person, although he shall have omitted to erase the name printed in the same column for the same office, or shall have made a mark against the same, or against any other name for the same office, or omitted to mark against the name written. Fifth, a mark made out of its proper place, but on a name, or so near it as to indicate that it was intended for that name, shall be deemed a vote for that name; but if the mark is so near a space for marking, as to indicate that it was intended for that space, it shall be deemed intended for the name to which such space applies. Sixth, a ballot put in without any marks shall not be counted and a ballot not

marked at the top, shall be counted only for the persons for whom the marks therein are applicable.

VOTES ON QUESTIONS SUBMITTED TO THE PEOPLE.

Secretary of state to certify question to county clerk; when.

SECTION 50. Whenever a proposed constitutional amendment or other question is to be submitted to the poeple of the state for a popular vote, the secretary of state, unless otherwise directed by act providing for such submission, shall duly, and not less than fifteen days before election, certify the same to the clerk of each county of the state, and the clerk of each county shall include the same in the publication provided for in section 26, of this act.

County clerk to prepare and distribute ballots.

SECTION 51. Whenever the secretary of state has duly certified to any county clerk any question to be submitted to a vote of the people, the county clerk shall prepare and distribute ballots of such form as will enable the electors to vote upon the question so presented in the manner herein provided. The county clerk shall also prepare the necessary ballots whenever any question is required by any law to be submitted to the vote of the electors of such county.

Municipal question, ballots for voting on.

SECTION 52. Whenever the common council of any city has, by ordinance or resolution, submitted any question to the vote of the people, the city clerk shall prepare and distribute ballots of such form as will enable the electors to vote upon the question so presented, in the manner provided by this act, or by the ordinance or resolution.

Ballots may be on same paper with other ballots.

SECTION 53. When not otherwise required to be on a separate ballot, the ballot on all questions submitted to a vote of the people may be prepared on the same paper with the other ballots, and at the foot of the same, and no ballot on such question shall be counted, unless a mark is made applicable to it.

Errors in printing ballots, how may be corrected.

SECTION 54. Whenever it shall appear by affidavit, that an error or omission has occurred in the publication of the names, or description of the candidates, nominated for office, or in the printing of the ballots, the circuit court of the proper county, or the presiding judge thereof,

may, upon application by any elector, by order, summarily require of the county or city clerk to correct such error, or to show cause why such error should not be corrected, and by order cause such correction to be forthwith made after such hearing.

SWEARING IN VOTES OF UNREGISTERED VOTERS.

When elector not registered may vote.

SECTION 55. On election day the inspectors shall designate two of their number, at the opening of the polls, who shall check the name of every elector voting in such district whose name is on the registry. Any person whose name is not on such registry, but who is a qualified voter in such district, shall, nevertheless, be entitled to vote thereat, at such election, upon compliance with the following provisions, and not otherwise, namely: He shall, at the time he offers his vote, deliver to the inspectors his affidavit, in which he shall state the facts showing that he has, since the completion of the registry, become a qualified voter of such district, and was not so qualified on the day such registry was completed, and shall deliver therewith the affidavits of two freeholders, electors in such election district, corroborating all the material statements in his affidavit. And in case any person, who was a voter at the last previous general election in any election district in this state, shall not be registered, such person shall be entitled to vote on making affidavit that he was entitled to vote at such previous general election in the election district where he offers to vote, naming the same, and that he has not become disqualified by reason of removal from such election district, or otherwise, since said election, or in case he shall have removed from some other election district into such district, stating the fact of such removal, and that he is then a legal voter of the election district where he shall offer to vote; and in case any person who was not a qualified elector at the last previous general election, but has become such by residing in the state for one year, shall not have been registered, he shall be entitled to vote on making affidavit that he is a qualified elector, each of which affidavits

What affidavit to be made.

shall be substantiated by the affidavits of two freeholders, as is provided for the other non-registered voters. No compensation shall be paid or received for taking or certifying any such affidavit. No one freeholder shall be competent to make, at any one election, corroborating affidavits for more than three voters, all of said affidavits shall be sworn to before some officer, authorized by the laws of this state to take depositions. The inspectors shall keep a list of the names and residences of the electors voting, whose names are not on said completed registry, and attach such list to the registry, and return it, together with all such affidavits, to the proper town, city or village clerk.

List of non-registered voters to be kept.

SECTION 56. On the day following the election, one of said poll lists, and one copy of the registry so kept and checked, shall be attached together and filed in the office of the proper town, city or village clerk, and the other of said poll lists, and copy of the registry so kept and checked, shall be returned to the county clerk with the returns of the election.

Poll and registry lists, where to be filed.

BALLOT BOXES TO BE PROVIDED.

SECTION 57. There shall be provided and kept by the clerk of each town, city or village, at the expense of such town, city or village, suitable ballot boxes for each poll therein, with a suitable lock and key to each, and there shall be one opening through the lid of each such box, of no larger size than shall be sufficient to admit a single, closed ballot.

Town clerk, etc., to provide.

SECTION 58. The inspectors of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of everything that may be in them, and lock them; and they shall not be reopened, except as hereinafter provided in case of adjournments, until for the purpose of counting the ballots therein at the close of the polls.

Ballot boxes, where and how to be opened.

SECTION 59. Each elector, having prepared his ballot as hereinbefore provided, shall publicly, at the poll where he offers to vote, deliver in per-

Ballot how voted.

son to one of the inspectors of election a single ballot of the official kind provided as in this act, and the inspector receiving the same shall, without opening it, or permitting it to be opened or examined, deposit it in the box.

PROCEEDINGS AT THE POLLS.

Poll list, clerk of election to keep.

SECTION 60. Each clerk of election shall keep a poll list, on which he shall enter the full names of all persons voting at such election, in the order of their voting, and, on request of the inspectors, each elector shall state his full name before the ballot shall be received. When any person shall have taken the oath, provided in section 56, before voting, the clerk shall write at the end of such person's name on the poll list the word "sworn."

Elector to state residence before voting.

SECTION 61. At every poll where a registry of electors is required to be made, every elector, at the time of offering his ballot, shall truly state the street and number of the house or tenement, if numbered, or other location in which he resides, and the clerks of election shall truly enter in the appropriate column of the poll list, opposite the name of such elector, the street and number, or other location of such house or tenement, or the name of the hotel or boarding house, and if such house or tenement be not numbered, the clerks shall enter "Not numbered." In case any elector offering to vote at any such poll shall refuse to make the statement aforesaid, his ballot shall not be received. The clerks of such poll shall also enter upon the poll lists, opposite the name of every elector voting thereat, whose name was not duly registered, the words "Not registered."

CHALLENGE OF VOTERS.

Who may challenge.

SECTION 62. Each inspector of election shall, and any elector may, challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector.

Oath to be tendered on challenge.

SECTION 63. If a person offering to vote is challenged as unqualified, one of the inspectors

shall tender to him the following oath or affirmation: You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence and qualifications as an elector of this election; and shall thereupon put questions as follows:

Questions to be put.

First. If a person be challenged as unqualified, on the ground that he is not a citizen and has not declared his intention to become a citizen:

1. Are you a citizen of the United States? If no, then—

2. Have you declared your intention to become a citizen of the United States conformably to the laws of the United States?

3. When and where did you declare your intention to become a citizen of the United States?

Second. If the person be challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election:

1. How long have you resided in this state, immediately preceding this election?

2. Have you been absent from this state within the year immediately preceding this election? If yes, then—

3. When you left, did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4. What state or territory did you regard as your home while absent?

5. Did you, while absent, vote in any other state or territory?

Third. If the person be challenged as unqualified on the ground that he is not a resident of the town, ward or village, where he offers his vote:

1. When did you last come into this town, ward or village?

2. Did you come for a temporary purpose merely, or for the purpose of making it your home?

3. Did you come into this town, ward or village for the purpose of voting therein?

4. Are you now and have you been for the last ten days, an actual resident of this town, ward or village, and what is the particular description, name and location of your residence?

5. Have you registered to vote at this election at any other place within this state?

Fourth. If the person be challenged as unqualified, on the ground that he is not twenty-one years of age: Are you twenty-one years of age to the best of your knowledge and belief?

Fifth. If the person be challenged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of such election:

1. Have you made in any manner any bet or wager depending upon the result of this election, or on the election of any any person for whom votes may be cast at this election?

2. Are you in any manner, directly or indirectly, interested in any bet or wager. depending in any way whatever upon the results of this election?

Sixth. If the person be challenged as unqualified, on the ground that he has been convicted of treason, felony or bribery, and not subsequently restored to civil rights:

1. Have you ever been tried or convicted in this state of any crime? If yes—

2. Of what crime, when and in what court were you so convicted?

3. Have you in any manner since such conviction been restored to civil rights, and if yes, how?

Seventh. If the person be challenged as unqualified, on the ground that he has been engaged, directly or indirectly, in a duel, either as principal or accessory:

1. Have you ever been engaged in any duel, directly or indirectly, either as principal or as a second, or in counseling or aiding either principal or second in a duel? And if yes, then—

2. When and where, and had you before that time been an inhabitant of this state?

Eighth. If the person be challenged as unqualified, on the ground that he is a person of Indian descent, and a member of an Indian tribe, or an uncivilized Indian:

1. Are you a person of Indian descent?

2. Of what tribe or nation are you a descendant?

3. Are you now a member of any Indian tribe?

4. Have you received any annuity from the United States or any agent thereof, or shared in any, and if so, when did you last so receive or share in any?

The inspectors, or one of them, shall put such other questions to the person challenged as may be necessary to test his qualifications as an elector at such elections.

Rules governing inspectors in determining qualifications of electors.

SECTION 64. In determining the question of residence as a qualification to vote, the following rules, so far as applicable, shall govern, and if a person offering to vote be challenged as unqualified, on the ground of residence, the inspector shall admonish him of such rules, and put to him such further questions as shall be proper to elicit the facts in respect thereto, namely:

First. As prescribed in the constitution, no person shall be deemed to have lost his residence in this state by reason of his absence on business of the United States, or of this state; and no soldier, seaman or marine, in the army or navy of the United States, shall be deemed a resident of this state in consequence of being stationed within the same.

Second. That place shall be considered and held to be the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Third. A person shall not be considered or held to have lost his residence, who shall leave his home and go into another state, or county, town or ward of this state, for temporary purposes merely, with an intention of returning.

Fourth. A person shall not be considered to have gained a residence in any town, ward or village of this state, into which he shall have come for temporary purposes merely.

Fifth. If a person remove to another state, with an intention to make it his permanent residence, he shall be considered and held to have lost his residence in this state.

Sixth. If a person remove to another state, with the intention of remaining there for an indefinite time, and as a place of present residence, he shall be considered and held to have lost his residence in this state, notwithstanding he may entertain an intention to return at some future period.

Seventh. The place where a married man's family resides shall generally be considered and held to be his residence; but if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

Eighth. If a married man has his family fixed in one place, and he does his business in another, the former shall be considered and held to be his place of residence.

Ninth. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without intention.

Tenth. If a person shall go into another state and while there exercise the right of a citizen by voting, he shall be considered and held to have lost his residence in this state.

Eleventh. No person shall be deemed to have gained a residence in any town, ward or village in this state, so as to entitle him to vote at any election therein, by remaining in such town, ward or village as a pauper, supported by the town or county in which he shall be living at the time of such election; and no person shall be deemed to have lost his residence in any town, ward or village, by remaining in any other town, ward or village as such pauper.

Twelfth. If an unmarried person sleeps in one ward, and boards in another, the place where he sleeps shall be considered as his place of residence.

Thirteenth. If an unmarried person be employed on a railroad, boat or stage line, and has boarding places at different places, if one of those places be with his parents, that place shall be considered his residence, unless he has by registering to vote elsewhere, or by the performance of some other kindred act, elected some other place as his residence. If he has no parents, and has not registered at any other place to vote, he shall be asked: Do you consider this your place of residence, and have you so considered it for the past ten days in preference to any other place? If he answers in the affirmative, he shall be entitled to all the privileges, and be subject to all of the duties of other citizens in the place of residence in the matter of voting, jury service, poll taxes and assessments for taxes.

SECTION 65. Whenever, at any election, the right of any person offering to vote is challenged for any cause recognized by law, if the inspectors shall determine to receive the vote of the party challenged after the provisions of the law are complied with, such inspectors, before depositing the ticket of the party challenged in the ballot box, shall write or cause to be written upon the back of the ticket of the voter challenged the number of such challenged person upon the tally sheet or voting list kept at such election. Number to be endorsed on ticket voted by challenged voter.

SECTION 66. If the person challenged shall refuse to answer fully any questions, so as aforesaid put to him, the inspectors shall reject his vote. If the challenge be not withdrawn after the person offering to vote shall have answered such questions, one of the inspectors shall then tender to him the following oath or affirmation: You do solemnly swear (or affirm, as the case may be), that you are twenty-one years of age; that you are a citizen of the United States (or that you have declared your intention to become a citizen conformably to the laws of the United States on the subject of naturalization); that you have resided in this state one year next preceding this election; that you are now a resident of this town, or ward or village, (as the case may be), and have been for the last ten days; that you have not voted at this election, and that you have not made any bet or wager, or become directly or indirectly interested in any bet or wager, depending upon the result of this election, and that you are not on any other ground disqualified to vote at this election. If the person challenged shall refuse to take such oath or affirmation, his vote shall be rejected; but if he shall then take such oath, his vote shall be received; provided, that the requirements of law respecting registration, when applicable, have been complied with by the person so offering to vote. Vote, when rejected. Final oath to challenged voter. Vote rejected on refusal to take oath.

SECTION 67. The inspectors shall reject the vote of any person under guardianship, *non compos mentis*, or insane. Vote of person insane, etc., to be rejected.

SECTION 68. It shall be unlawful for any clerk or inspector of election to issue or write, change or alter, for any person on the day of any election, any ticket or ballot, and any such officer Clerk or inspector not to issue or change, etc., ballot on election day.

who shall violate the foregoing provisions, or who shall mark any ballot or ticket except as provided by law, or who shall disclose how any elector shall have voted, unless required to do so as a witness in a judicial proceeding, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both, in the discretion of the court.

Penalty.

ADJOURNMENT OF POLLS, ETC.

Clerks to compare poll lists at adjournment.

SECTION 69. At each adjournment of the poll, the clerks shall, in the presence of the inspectors, compare their respective poll lists, compute and set down the number of votes, and correct all mistakes that may be discovered, according to the decision of the inspectors, until such poll lists shall be made in all respects to correspond. The ballot box shall then be opened, and the poll lists placed therein; and such box shall then be locked, and a covering with a seal placed on the opening in the lid of such box, so as to entirely cover the same, and the key delivered to one of the inspectors, and the box to another, to be designated by the inspectors. The inspector having the key shall keep it in his own possession, and deliver it again to the inspectors at the next opening of the poll; and the inspector having the box shall carefully keep it without opening or suffering it to be opened, or the seal thereof to be broken or removed, and shall publicly deliver it to the inspectors at the next opening of the polls, when the seal shall be broken and the box opened, and the poll lists taken out and the box again locked.

Lists to be placed in ballot box; box, how secured, etc.

Power of inspectors to maintain order.

SECTION 70. The inspectors shall possess full authority to maintain order, and to enforce obedience to their lawful commands during an election, and during the canvass of votes. If any person shall refuse to obey the lawful commands of the inspectors, or by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, they may order any constable, or other person, to take him into custody during the election.

THE CANVASS AT THE POLLS.

Canvass of votes by inspectors, how made.

SECTION 71. As soon as the poll of the election shall be finally closed, the inspectors shall proceed immediately to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such poll, and continue without adjournment until the canvass is completed, and the statements hereinafter required are made. They shall commence by a comparison of the poll lists, and the corrections of any mistakes therein, until they shall be found or made to agree. The box shall then be opened and the ballots therein taken out and counted by the inspectors, unopened, except so far as to ascertain whether each ballot is single; and if two or more ballots be found so folded together as to present the appearance of a single ballot, they shall be laid aside until the count of the ballot is completed; and if, upon a comparison of the count, and the appearance of such ballots, a majority of the inspectors shall be of opinion that the ballots thus folded together were voted by one elector, they shall be destroyed. If the ballots in the box shall be found to exceed in number, after any such ballots folded together are destroyed, the whole number of votes on the poll lists, they shall be replaced in the box, and one of the inspectors shall publicly draw therefrom by chance, and without examination thereof, and destroy so many ballots unopened, as shall be equal to such excess. The number of ballots agreeing, or so as aforesaid being made to agree, with the poll lists, the inspectors shall then proceed to open and count and ascertain the number of votes.

Canvass to be announced.

SECTION 72. The canvass being completed, the inspectors shall then publicly announce the result thereof, specifying the whole number of votes cast for each office, and each person to fill the same respectively, and for and against each proposition voted for at such election, and shall immediately draw up a statement in writing thereof, in duplicate, setting forth therein, in words at length, and in figures, the whole number of votes given for each office at such election, the names of all the persons for whom

Written statement of, to be made.

such votes were given, as shown upon the ballots, and the number of votes so given for each person, and the number of votes given for and against each proposition voted for, if any, at such election, which statements they shall certify to be correct and suscribe with their names.

Delivery of statements and poll lists to town, city, village and county clerks.

SECTION 73. The chairman of the inspectors, or one of them, appointed by him, shall forthwith deliver to the clerk of the town, city or village, one of said statements and one of said poll lists, to be filed and preserved in his office, and shall, with all convenient dispatch, and within two days after the election, deliver the other statement to the county clerk, it having been by the inspectors carefully sealed up, together with the other poll list, with the oaths of inspectors and clerks affixed, in an envelope, properly directed to the county clerk, and the person delivering such returns to the county clerk shall receive as compensation therefor the sum of two dollars, and mileage at the rate of six cents per mile for each mile necessarily traveled in going to and returning from such county clerk's office, to be paid out of the county treasury, on the wararnt of the county clerk.

Failure to deliver returns, penalty for.

SECTION 74. In case the person to whom such returns are delivered, shall fail or neglect to deliver the same to the county clerk within the time as herein provided, he shall be liable for all expense incurred in procuring such returns by special messenger or otherwise, and shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail of not more than twenty days, or by both such fine and imprisonment.

Statement in writing of contents of defective ballots, inspectors to make.

SECTION 75. If any of the ballots cast at any election are found to be so defective, that the inspectors of election cannot determine with reasonable certainty for whom they were cast, and if any ballot or ballots shall be cast by any voter or voters who shall have been challenged, but whose ballot or ballots shall have been received, and if any ballot or ballots shall be decided by the inspectors not to be defective, by a vote or decision of a majority only of the inspectors, and not by unanimous decision of all

the inspectors, they shall make a statement in writing, in duplicate, certified to be correct and signed by them, of the contents of each of such ballots, and attach such statements to the statements of the canvass. They shall carefully seal up in an envelope all such ballots, and deliver the same forthwith to the proper town, city or village clerk, to be preserved in his office. No ballot shall be regarded as defective, however, by reason of the misspelling of a candidate's name, or by abbreviation, addition, omission or use of the wrong initial of the candidate's name, but every ballot shall be counted for the candidate for whom it was evidently intended, if the intention of the voter can be clearly ascertained form the ballot itself. All other ballots shall be destroyed, on completion of the canvass; provided, however, that no canvass shall be deemed to be completed, nor shall any ballots cast at any election be destroyed until after at least two of the inspectors, one each of the two political parties which cast the largest vote in the same precinct or polling place at the last preceding general election, shall have separately canvassed said ballots, and severally verified the canvass thereof, and certified the same over their respective signatures; and in case of disagreement as to any ballot or ballots, such ballot or ballots shall be considered defective, and shall be disposed of as hereinbefore provided for the disposition of defective ballots.

Ballots to be sealed and preserved.

What not to be regarded as defective ballot.

Other ballots to be destroyed, when.

SECTION 76. On the Tuesday next succeeding the election, or at any time sooner, if all the returns are sooner received, the county clerk shall take to his assistance from among the following named officers of the county, to-wit: the county judge, register of deeds, members of the county board of supervisors, and justices of the peace, two associate canvassers, one of whom shall not be of the same political party as such clerk, and who shall constitute with such clerk a board of county canvassers; and in case all the above named officers should belong to the same political party, then said clerk shall elect from the opposite political party some reputable citizen and elector to act as the third member of said board. In case of vacancy in the office of county clerk, or when from absence, sickness or other

County canvass, when and by whom made

inability such clerk can not perform the duties enjoined in this chapter, the clerk of the circuit court, or if there be no such clerk, or he be unable to perform such duties, then the chairman of the county board shall perform the duties in this chapter required of the county clerk, and be subject to the same punishment for violation thereof.

Clerk to procure attendance of canvassers.

SECTION 77. If, on the day appointed for the county canvass, there shall fail to be an attendance of three canvassers, the clerk shall procure a full attendance of such canvassers, and may therefor adjourn the canvass one day, when the canvass shall proceed on the assembling of the board of county canvassers, they shall open and examine the returns, and if from any town, ward, election district or poll of the county no returns shall have been received, they shall forthwith dispatch a messenger therefor, and the person having them in charge shall deliver such returns to said messenger; and if, on examination of any returns received, they shall be found so informal or incomplete that the board cannot intelligently canvass them, they shall dispatch a messenger with such returns to the inspectors who made them with a written specification of the informalities or defects, and command them to forthwith complete the same in the manner required by law, and deliver them to said messenger, which such inspectors shall do. Every such messenger shall safely keep all such returns, exhibit them to no person, except the inspectors, and deliver the same to the county clerk, with all convenient dispatch. For such purposes, the board may adjourn as may be necessary, not more than four days at one time, nor more than eight days in all.

Incomplete returns to be perfected.

Duty of messenger.

Board may adjourn for completion of returns.

Statement of county canvass, how made, certified, attested, filed and recorded.

SECTION 78. The returns having been obtained as hereinbefore provided, the board shall proceed thereupon to make out a separate statement, written out in words at length, containing the whole number of votes given in such county for each state officer voted for, and for representative in congress, the names as returned of all the persons to whom such votes were given, and the number of votes given to each; another similar statement of the votes given for electors of president and vice-president; another, of the votes

given for senator, when the county alone does not constitute a senate district; another of the votes given for members of assembly, when the county alone does not constitute an assembly district; another of the votes given for county officers; and another of the votes given for senators and members of the assembly, when the county constitutes one or more senate or assembly districts, specifying the number of votes for each person for senator and member of assembly, in each such district respectively. They shall append to each such statement as part thereof a succinct tabular exhibit in figures, of the votes cast at each election poll in the county, for each office and person entering into the canvass embraced in such statement, whether canvassed or not, and if any votes were rejected, specifying the reasons therefor. Each statement shall be certified as correct and attested by the signatures of the said canvassers, and filed in the office of the county clerk, and the same shall be recorded therein.

Determination of county canvassers, how made, attested, recorded and published.

SECTION 79. They shall then determine the persons who have been, by the greatest number of votes, elected to the several county offices, and members of the senate and assembly, when the county constitutes one or more senate or assembly districts; and such determination shall be reduced to writing, certified as correct, and attested by their signatures, and be annexed to the statement of votes given for such offices respectively, and filed and recorded with the same. Such statement and determination shall be published in such newspapers of the county, as the convassers may designate, to be paid for by the county.

Certificates of election, county clerk to issue.

SECTION 80. The county clerk shall immediately make out, in pursuance of the determination of such board of canvassers, a certificate of election for each person, having the greatest number of votes for any county office, or for member of the senate or assembly, when the county constitutes one or more senate or assembly districts, and deliver the same to such person, upon his making application therefor.

When duplicate returns of senators and assemblymen to be made, etc.

SECTION 81. The said board shall, without delay, make duplicates of the statement of the votes given for senator, when the county alone does not constitute a senate district, and deliver the

same to the county clerk, who shall deliver it to the senatorial district canvassers; said board shall also make a duplicate of the statement of the votes given for member of assembly, when the county alone does not constitute an assembly district, and deliver the same to said clerk, who shall deliver it to the assembly district canvassers.

County clerk to make and deliver copies of canvass for state officers, etc.

SECTION 82. Of the statement and certificate of votes given for each state officer, and for representative in congress, and also of the statement and certificate of votes given for electors of president and vice-president, the county clerk shall forthwith make three copies, certified under his hand and the seal of the county board, and send by mail one such copy of each to the governor, one to the secretary of state, and one to the state treasurer. He shall also transmit by mail to the secretary of state, within thirty days after any general election, a list of the names of persons elected in the county as members of the senate and assembly, and also a list of all the county officers elected in such county at such election.

To furnish secretary of state with names of senators, assemblymen and county officers.

Votes on constitutional amendment, how taken, canvassed, etc.

SECTION 83. Whenever any amendment shall have been proposed to the constitution of this state, and agreed to and submitted to the people, pursuant to the constitution, or whenever any other question or proposition shall be submitted by the legislature to a vote of the people, if the vote thereon shall be required to be taken at the general election, the votes for and against such amendment, question or proposition so submitted shall be taken, canvassed, certified and recorded, and certified copies of the statement thereof shall be made and transmitted by the county clerks of the several counties to the governor, secretary of state and treasurer, at the same time and in the same manner as the votes for state officers are by law to be taken, canvassed, certified and recorded, and statements thereof are to be certified and transmitted.

DISTRICT CANVASS.

SECTION 84. In each senate and assembly district, the limits of which shall be greater than those of a county, or which may embrace por-

tion of two or more counties there shall be a board of district canvassers, and the county clerks of the several counties, whereof a portion or the whole is within the district, and the chairman of the county board of the county where the meetings of the board are to be held, shall constitute such board. Any three of such canvassers shall be a quorum for the transaction of the business of said board; and in case there shall not be three of the members of such board present at any such meeting, the county judge or register of deeds of the county where any such meeting is to be held, or both of them, may act as members of such board, so as to constitute a board of not less than three in number.

Canvass for senators and assemblymen when district embraces parts of two counties.

SECTION 85. The board shall meet in each such assembly district on the second Tuesday, and in each such senate district on the third Tuesday, next after the day on which the county canvass is required to be made, at the office of the county clerk of the county containing the most populous porrion of such senate or assembly district, according to the last preceding census.

Canvassers, when and where to meet.

SECTION 86. If any one of the county clerks shall be unable to attend such canvass on the day appointed therefore, he shall, on or before that day, cause to be delivered, at the office of the county clerk of the county in which such meeting is to be held, the duplicate statement of votes given in his county for the officers to be elected in such district, which statement shall be laid before said board. If, on the assembling of the board, any such duplicate statement shall not be present, or if, on examination of any such statement received, it shall appear that any material mistake has occurred therein, or that the vote of any poll or any part thereof, in such district, has not been counted by the county canvassers, the board shall despatch a messenger to obtain such absent statement, or with a requirement in writing to the county clerk of the county from which such erroneous statement was received, to certify the facts in respect to such supposed mistake, or the reasons why the vote of such poll was not counted; and the person having such absent statement, shall deliver the same to such messenger, and the county clerk to whom any such requirement is delivered, shall forthwith

If county clerk cannot attend, to furnish duplicate statement.

How statement may be procured and corrected.

Board may adjourn.

make true and full answer to the same, under his hand and the seal of the county board, and deliver the same to such messenger. For such purpose the board may adjourn as may be necessary, not more than one week in all.

Canvass, how made, certified, etc.

SECTION 87. So soon as they shall have the completed statement of such district, as hereinbefore provided, the board shall make a canvass of the same, and draw up a statement thereof in words at length, which shall contain the whole number of votes given, the names of all the candidates, and the whole number of votes given to each, and the determination of the board what person has been elected in such district, as appears from such statements and returns to them, which statement shall be certified to be correct, over the signatures of such canvassers, and be forthwith delivered to the county clerk of the county in which their meeting shall be held, who shall file and record the same in his office. Such clerk shall forthwith transmit, by mail, to the secretary of the state, the name of the person so elected, and make out and transmit to him a certificate of his election.

Names of persons elected to be transmitted to secretary of state.

THE STATE CANVASS.

Board of state canvassers, how constituted.

SECTION 88. The secretary of state, treasurer and attorney general, shall constitute the board of state canvassers, two of whom shall be a quorum for the transaction of business, and if one only of said officers attend on the day appointed for a meeting of the board, the clerk of the supreme court, on being notified by the officer so attending, shall attend without delay, with such officer, and with him shall form the board. When a member of said board is a candidate for an office as to which the votes are to be canvassed by him, the chief justice, upon the request of any opposing candidate, shall designate some other state officer, or a judge of the circuit court, who shall act in his stead at the session of the board at which the votes given for such member are to be canvassed. Whenever the chief justice shall designate any state officer, or judge of circuit court, to act as one of the board of state canvassers, as provided in this act,

Who to act when a member is a candidate; compensation.

such state officer or circuit judge shall be entitled to receive a compensation for attendance and services as a member of said board, not exceeding fifteen dollars per day, for each day he shall be absent from his place of residence and engaged in such service and attendance, and the secretary of state shall audit the account of any such state officer or judge for such service and attendance, and draw his warrant on the state treasurer for payment thereof. There is hereby appropriated from the state treasury, out of any moneys not otherwise appropriated, a sufficient sum for the purpose of this act. Appropriation

SECTION 89. The secretary of state, upon the receipt of the certified statements of the votes given in the several counties, directed to be sent to him by the county clerks, shall record the results of such election by counties, and shall file and carefully preserve the certified statements so by him received from the county clerks; and, if no such statement shall be received by him from the county clerk of any county, he shall obtain the same from the governor or state treasurer, if received by either of them, and if not, he may by mail require such statement from any such county clerk, and which, when obtained, he shall file and record as aforesaid. Secretary of state to record result, etc. To procure missing statement.

SECTION 90. If from any county no such statement shall have been received, or obtained by the secretary of state, within thirty days after any election, he may dispatch a special messenger to obtain such statement from the county clerk thereof, and such clerk shall immediately, on demand of such messenger, make and deliver to him the statement required, which the messenger shall deliver to the secretary of state, as soon as may be, to be filed and recorded by him as aforesaid. May dispatch messenger for statement not furnished.

SECTION 91. For the purpose of canvassing and ascertaining the result of elections, other than for electors of president and vice-president, the secretary of state shall appoint a meeting of the state canvassers, to be held at his office on or before the fifteenth day of December, next after a general election, and within forty-five days after a special election, and shall notify the other members of the board of the same. State canvassers, when to meet.

State canvassers, powers and duties.

SECTION 92. The board, when thus formed, shall examine such certified statements of the county canvassers, and if it shall appear that any material mistake has been made in the computation of votes given for any person, or that the county canvassers in any county have omitted to canvass the votes, or any thereof, cast at any poll in their county, the board may dispatch a messenger to the county clerk of such county, with their requirement in writing to him, to certify the facts concerning such mistake and the reason why such votes were not canvassed; and the county clerk to whom any such requirement is delivered shall forthwith make true and full answer thereto, under his hand and the county seal, and deliver the same to such messenger, who shall deliver the same with all convenient dispatch to the secretary of state. The said board may adjourn as may be necessary, not more than ten days in all. Upon the certified statements and returns so received, the board shall proceed to examine and make a statement of the whole number of votes given at any such election for each of the offices of governor, lieutenant governor, secretary of state, treasurer, attorney general, and state superintendent, or any other state officer, if any there shall be; and another statement of the votes given for representatives in congress, in each congressional district; each of which statements shall show the names of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each, distinguishing the several districts and counties in which they were given.

Canvass, how certified and filed.

SECTION 93. They shall certify such statements to be correct, and subscribe their names thereto; and they shall thereupon determine what persons have been, by the greatest number of votes, duly elected to such offices, or either of them, and shall make out and subscribe on each statement a certificate of such determination, and deliver the same to the secretary of state.

Canvass, secretary of state to record and publish and transmit certificates of election.

SECTION 94. The secretary of state shall record in his office each certified statement and determination so made by said board, and shall forthwith make out and transmit to each of the persons thereby declared to be elected a certificate

of his election, certified by him under the lesser seal; he shall also forthwith cause a copy of such certified statements and determinations to be published in a newspaper printed at the seat of government.

Members of congress, certificates of election to be sent house of representatives.

SECTION 95. He shall prepare a certificate under the lesser seal, attested by him as secretary of state, and addressed to the house of representatives in that congress for which any person shall have been chosen, of the due election of such person so chosen as representative of this state in congress, and shall transmit the same to the said house of representatives at their first meeting; and if any of the persons so chosen at such election shall have been elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary of state in such certificate.

When and how governor to procure statement of votes for electors.

SECTION 96. Whenever, in the opinion of the governor, the statement of votes given for electors of president and vice president will not be received from any county before the time fixed for canvassing such votes, he shall appoint a special messenger to obtain such statement from the county clerk, and such clerk shall immediately on the demand of such messenger, make out and deliver to him the statement required, which statement the messenger shall deliver to the secretary of state as soon as possible, and it shall be filed and recorded by him.

Electoral vote, when to be canvassed.

SECTION 97. For the purpose of canvassing and ascertaining the votes given for electors of president and vice president, said board shall meet at the office of the secretary of state on the Tuesday next after the fourth Monday of November, in the year such electors shall be chosen, or sooner if certified copies of the statements of the votes shall have been received from all the counties; and in case all the said copies of statements shall not have been received on the day above specified, the board may adjourn from day to day, until the same shall be received, not exceeding three days.

Canvass, how made.

SECTION 98. The board shall proceed in examining and making a statement of the votes, and in determining and certifying the persons chosen as electors, in the manner prescribed by law to be pursued by them in the canvass for

state officers and the secretary of state shall likewise file and record such statement and determination.

Secretary to notify electors chosen.

SECTION 99. The secretary of state shall, without delay, cause a copy under his hand and the lesser seal, of the determination of said board, to be transmitted and delivered to each of the persons so declared to be elected; and whenever necessary may employ special messengers for that purpose.

Votes on constitutional amendment, etc., when and how canvassed.

SECTION 100. For the purpose of canvassing and ascertaining the result of the vote taken at any general election, upon any proposed amendment to the constitution, or upon any question or proposition submitted to a vote of the people by the legislature, the secretary of state shall appoint a meeting of the state board of canvassers, to be held at his office on or before the fifteenth day of December, next after such vote is taken; at which meeting the secretary of state shall lay before the board the statements received by him of the votes given in the several counties, for and against such amendment, and also for and against such question and proposition.

Board of canvassers, how to proceed.

SECTION 101. The board shall proceed to examine such statements, and to ascertain and determine the result, and shall have the same power therefor as is given by section ninety-three, and shall make and certify, under their hands, a statement of the whole number of votes given for, and the whole number of votes given against such amendment, and they shall thereupon determine whether such amendment has been approved and ratified by a majority of the electors voting thereon, and shall make and subscribe on such statement a certificate of such determination. They shall also make and certify under their hands, a statement of the whole number of votes given for, and the whole number of votes given against such question or proposition; and shall thereupon determine whether such question or proposition has been approved, ratified or adopted, and subscribe on such statement a certificate of such determination.

Statement of vote to be made and certified.

Statement to be recorded.

SECTION 102. The secretary of state shall record in his office such certified statements and determinations; and if it shall appear that such amendment, question or proposition has been ap-

proved, ratified or adopted, as aforesaid, he shall also make a record thereof, and cause such record to be bound in the volume containing the original enrollment law passed at the next succeeding session of the legislature, and cause such record to be published with such laws.

Regular returns only to be canvassed by state board.

SECTION 103. The board of state canvassers, in canvassing to ascertain the result of any election, shall canvass only the regular returns made by the county boards of canvassers, as provided in this act, and shall in no case canvass or count any additional or supplemental returns or statements made by any county board of canvassers or by any other board or person whatever; nor shall such board of state canvassers canvass or count any statement or return of the result of any canvass which shall have been made by any county board of canvassers at any other time than that mentioned in this act.

MISCELLANEOUS PROVISIONS.

Civil process not to be served on election day.

SECTION 104. During the day on which any general, special, town or charter election shall be held, no civil process shall be served on any elector entitled to vote at such election.

Plurality to elect.

SECTION 105. In all elections for the choice of any officers, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed to have been duly elected to that office, and whenever it shall satisfactorily appear that any person has received a plurality of the legal votes cast at any election for any office, the canvassers shall give to such person a certificate of election, notwithstanding the provisions of law may not have been fully complied with in noticing or conducting the election or canvassing or returning the votes, so that the real will of the plurality may not be defeated by any informality.

Compensation to inspectors, etc.

SECTION 106. A reasonable compensation shall be paid to inspectors and clerks of registry and election, and to ballot clerks, county canvassers, district canvassers, and messengers employed and performing duties under the provisions of this act, to be fixed by the town board, village board, common council, or county board, and paid from

the treasury of the town, village, city or county by whom employed. The messenger of the canvassing board of a senate or assembly district shall be paid by the county to which he shall be sent. Every messenger sent by the governor, secretary of state, or state board of canvassers shall be paid out of the state treasury a reasonable compensation to be fixed by the secretary of state.

Necessary blanks, secretary to furnish.

SECTION 107. The secretary of state shall make out all necessary blanks, returns and statements to carry out the provisions of law for making the canvass, returns and statements of all elections, general, special and judicial, and for making the registers required by law, and affidavits of non-registered voters and freeholders corroborating the same. Such blanks shall contain the necessary oaths and certificates of the inspectors, clerks of election and canvassers, with proper notes to the same, explanatory of their use, and referring to the statutes, and cause the same to be distributed to the county clerks of the several counties, on or before the first day of August in each year.

Blanks, how distributed.

SECTION 108. Such blanks shall be distributed to the proper town, city or village clerks or inspectors, in each county, by the county clerks at the time notices for the general elections are served upon them, and may be sent by mail, when practicable. Such clerks shall furnish the inspectors of elections, in their respective towns, wards and villages, and election districts, with such registry blanks at or before the time fixed for the first meeting for registry, and the other blanks before the opening of the poll on the day of election, and such clerks and inspectors shall use such blanks when furnished; but no election or election returns shall be invalidated in consequence of failure to use such blanks.

Act to be printed and distributed.

SECTION 109. It shall be the duty of the secretary of state to cause this act to be printed in pamphlet form, with all necessary forms, instructions and notes explanatory of legal decisions, expounding or interpreting this act, to enable county and city clerks, and inspectors and clerks of election and other officers to administer the same, and he shall distribute the same to the proper officers.

ELECTIONS TO FILL VACANCIES.

Vacancies, how filled.

SECTION 110. All vacancies in the office of representative in congress, senator, or member of assembly, or in any state or county office (except governor and lieutenant governor), may be filled at a general or special election, or by appointment in the cases provided by law, when any such vacancy shall occur within four months, and if in a state office, or in that of state senator or representative in congress, more than twenty days, or if in a county office, more than ten days before the general election; and when occurring earlier than said four months, if it shall not have been supplied by special election, the same (except in the office of the clerk of the circuit court) shall be filled at the general election next succeeding the happening thereof. When a vacancy shall occur in any such office, except representative in congress, within six months next before the end of the term, no election shall be held, but the same shall be filled by appointment, or otherwise, as provided by law.

Notice of election to be given by secretary to county clerk.

SECTION 111. If a vacancy shall exist in the office of state senator, or representative in congress, or in any state office, which by law should be supplied at the ensuing general election, the secretary of state shall, twenty days at least before such election, give notice, in writing, to the county clerk of each county in the state, when the vacancy is in a state office, or in case of such vacancy in a district, then to the county clerk of each county therein, specifying the cause of such vacancy, the name of the officer in whose office it occurred, and the time when his term of office will expire. Upon receipt thereof the county clerk shall thereupon forthwith cause a notice containing the subject of the notice received by him, to be transmitted by mail to each town clerk and the clerk of each village in which by law separate general elections are to be held, and to one of the inspectors in each ward in any city and in each separate election district in his county. Such clerks and inspectors shall cause the same to be posted at least five days before election, in the manner prescribed in this act; and if a vacancy shall exist in any county office, which by

County clerk to give notice to town clerk, etc.

law should be supplied at the ensuing general election, the sheriff of such county, or, if the vacancy exist in that office, the county clerk shall give notice thereof ten days before election, specifying the cause of such vacancy, the name of the officer in whose office it occurred, and the time when the term of such office will expire; such notice shall be given in the manner provided for notices of general elections.

Special elections, in what cases held,

SECTION 112. Special elections may be held in the following cases:

1. When there shall have been neglect or failure to choose at a general election a representative in congress, senator, member of assembly, or any county officer, who, by law, should have been chosen at such general election.

2. When the right of office of a person elected to either of the offices last aforesaid shall cease before the commencement of the term of office for which he shall have been elected; but no such special election for sheriff, district attorney, register of deeds, clerk of the circuit court, or coroner, shall be held after the next ensuing first Monday of January.

3. When a vacancy shall occur in the office of member of assembly before the first day of February, and in the office of a senator before the first day of February in the second year, and too late to have been filled at the previous general election, or when a special session shall be called after a vacancy occurring in either.

4. If a vacancy, which by law might have been filled at the next general election thereafter, shall not have been filled, a special election therefor shall then be held, except in case of county officers.

5. When in any other case a vacancy not provided for in this section, the governor, in his discretion, shall direct.

Special elections, how ordered.

SECTION 113. All special elections for county officers shall be ordered by the sheriff, which order shall be countersigned by the county clerk, and filed in his office, except that a special election for sheriff shall be ordered and noticed by the county clerk, in the manner required of the sheriff in other cases, and the county clerk shall give notice thereof, and the same shall be posted, in the manner hereinbefore provided. All other

special elections shall be ordered by the governor. Every such order shall specify the office to be filled, how the vacancy occurred, the name of the officer in whose office it occurred, the time when his term of office will expire, the county or district in which, and the day on which such election shall be held, which day shall not be less than ten, nor more than forty days from the date of such order. When made by the governor, such order shall be filed and recorded in the office of the secretary of state.

Order, what to specify.

SECTION 114. The secretary of state shall cause a copy of each notice of election issued by him, and of each order made by the governor for a special election, to be published in the official state paper, once in each week, from the date of such notice or order, until the election to which it shall refer; and on receipt of such order, shall cause a copy thereof forthwith to be transmitted to the county clerk of the county, or in case of a vacancy in a district embracing more than one county, then to the county clerk of each county, any part of which is in such district. The county clerk, on receiving or on countersigning any order for a special election, shall forthwith give notice of such election in the manner provided for giving notices of general elections. Every town, village and ward officer, or inspector of election, who shall receive any notice of a special election, as herein provided, shall forthwith give notice thereof in the manner required of him in case of a general election.

Secretary to publish notices and orders for special elections.

County, town, etc., clerks to give notice of election.

SECTION 115. Special elections shall be held at the place, and conducted by the officers, and the result canvassed in the same manner, and within the same time thereafter certified, in all respects as near as practicable, as provided for general elections. No special election shall be held within sixty days next preceding a general election, When a special election, as to any officer whose election is required by law to be at a general election, is held on the same day as an annual town meeting or municipal election, the ballots cast at such special election shall be deposited in a separate box, provided for that purpose.

Special elections, where held, how conducted.

JUDICIAL ELECTIONS.

Judicial elections, when held; notice to be given.

SECTION 116. All elections for justices of the supreme court and for circuit and county judges shall be held on the first Tuesday in April. The secretary of state shall give at least twenty days' notice of all judicial elections; and if the election is for a county judge, the notice shall be given in the county in which the judge is to be elected; if for a circuit judge, in the circuit in which he is to be elected; and if for a justice of the supreme court, in the state at large.

Elections to be held on first Tuesday in April.

SECTION 117. In all cases where the term of office of such justice or judge is about to expire, the election for such justice or judge shall be held on the first Tuesday of April, next prior to the time of the expiration of such term of office, as fixed by law, and, in case no such election is held at the time above specified, then, except in the case of a county judge, such election shall be held on the first Tuesday of April next there after, or on some subsequent first Tuesday in April after the expiration of such term of office.

Election to fill vacancy, when held.

SECTION 118. In all cases of vacancy in the office of justice of the supreme court, or circuit judge, the election to fill such vacancy shall be held on the first Tuesday of April next after the vacancy shall happen, in case such vacancy shall happen twenty days before such first Tuesday of April; and if no election shall then be held for such purpose, or if the vacancy shall happen within twenty days next before the first Tuesday of April next after such vacancy, then the election shall be held on the first Tuesday of April next thereafter.

Judicial elections, how notified, conducted, canvassed, etc.

SECTION 119. Elections for justices of the supreme court, circuit and county judges, and municipal judges, shall be notified, held and conducted, and the results canvassed and returned, in the same manner as at general elections. The ballots shall be printed, furnished and distributed by the county clerk at the expense of the county, as other official ballots are distributed, so prepared as to indicate the candidates or nominees to be voted for, and the respective judicial office to which each is intended as a ballot for, substantially in the form pre-

scribed in this act for general elections. All votes given for any such officer shall be put in a ballot box separate from that used for any other election on the same day. The polls of election for such officers shall close at the same time that the polls are closed for the election of town officers, when the election of these officers occurs at the same time. Within a like time as prescribed for the county canvass, after a general election, a board of county canvassers shall be convened, who shall canvass the statements received from the several polls in the county, and make a statement thereof, and return the same, including the votes for the office of county judge, as at a general election, and they shall determine who is elected to the office of county judge, and the county clerk shall give him a certificate thereof. The board of state canvassers shall be convened on or before the fifteenth day of May, to canvass the statements of votes received for justice of the supreme court, or circuit judge, in like manner, and shall have the powers, and perform the duties in relation thereto, so far as applicable, as prescribed in respect to the canvass for state officers. And all the provisions of this act respecting the qualifications of voters, the conduct of elections and the canvass and return of votes, shall be applicable to such election.

County canvassers, when to meet.

State canvassers, when to meet.

SECTION 120. Any person who shall:

Penalties.

First, falsely make, or make oath to, or fraudulently deface, or fraudulently destroy any certificate of nomination or nomination paper, or any part thereof; or,

Second, file or receive for filing any certificate of nomination or nomination paper, knowing the same or any part thereof to be falsely made; or,

Third, suppress any certificate of nomination which has been duly filed, or any part thereof; or,

Fourth, forge or falsely make the official endorsement on any ballot; or,

Fifth, wrongly print or cause to be printed, with intent to change the result of the election, as to any candidate or nominee, any official ballots; or,

Sixth, any ballot clerk who shall deliver to a voter a ballot bearing a mark opposite the name of a candidate made with a pencil or ink, that might be counted as a vote for such candidate,

shall be deemed guilty of a misdemeanor, and shall upon conviction of such offense be punished by imprisonment in the state prison at hard labor, not less than one, nor more than three years.

Misconduct of public officer, how punished.

SECTION 121. Any public officer who shall:

First, wilfully fail or neglect to perform any duty imposed upon him by this act; or,

Second, make knowingly any false certificate in respect to such duty, or to any matter which he may be required by law to certify officially shall, on conviction, be punished by imprisonment in the county jail not less than three, nor more than nine months, or by fine of not less than two hundred, nor more than five hundred dollars.

Destruction of ballots, etc., penalty for.

SECTION 122. Any person who has undertaken to deliver ballots to any clerk or inspector or who, having charge of official ballots, shall destroy or conceal the same, or who shall remove or destroy any of the supplies or other conveniences placed in the shelves or compartments for the purpose of enabling the voter to prepare his ballot, shall, on conviction, be punished by imprisonment in the county jail not less than three, nor more than six months, or by a fine not less than one hundred, nor more than three hundred dollars.

Electioneering by officers of election; soliciting of votes within one hundred feet of polls prohibited, etc.

SECTION 123. No officer of election shall engage in any electioneering on election day. No person shall solicit votes for any candidate or party, or engage in any electioneering whatever, on election day, within any polling place, or within one hundred feet of any polling place. No person shall remove any ballot from any polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit any voter to show the same. No person, except an inspector of election, shall receive from any voter a ballot prepared for voting. No voter shall receive a ballot from any other person than one of the ballot clerks of election having charge of the ballots, nor shall any person, other than such ballot clerks of election, deliver a ballot to such voter. No voter shall vote or offer to vote any ballot ex-

cept such as he has received from the ballot clerks having charge of the ballots. No elector shall place any mark upon his ballot by which it may be afterwards identified as the one voted by him. Every voter who does not vote a ballot delivered to him by the ballot clerks having charge of the ballots shall, before leaving the polling place, return such ballot to such ballot clerks. Whoever shall violate any provisions of this section shall, upon conviction thereof, be punished by a fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail of the proper county not more than six months, or by both fine and imprisonment, in the discretion of the court, together with the costs of prosecution.

Ballots not voted to be returned.

Penalty.

SECTION 124. Any officer, who are required to appoint inspectors or clerks of election or ballot clerks, who shall disobey the requirements of this act as to appointing the same from opposite political parties, when it is practicable to so appoint them; any officers required by this act to provide election booths and compartments with doors, screens or curtains to such compartments, who shall fail to provide and maintain the same, as herein required, so that each voter can prepare his ballot, screened from observation; any election officers, who shall take notice of the manner in which any voter has marked his ballot, or permit any other person to pry into or take notice of the same, unless such officer be requested to assist the said voter; any officer, who assists a voter at his request, or otherwise becomes aware of the manner in which a voter marked his ballot, or for whom he voted, and discloses the same to any other person, shall, on conviction, for each such offense be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail, not less than ten, nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

Officers, for what and how punished.

SECTION 125. Any person, entrusted by the inspectors of election with the statement prepared by them to deliver to the proper town, city or village clerk, as required by this act, who shall fail to deliver the same, or cause the same to be delivered, to such clerk, within forty-eight hours

Failure to deliver statement by person in charge, how punished.

after securing the same for such delivery, without sufficient excuse therefor, shall, for such neglect or failure, on conviction thereof, be punished by a fine of not less than twenty-five dollars, nor more than one hundred dollars, or by imprisonment in the county jail not less than ten, nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

SECTION 126. Any chairman of election inspectors, or inspector appointed by him to deliver to the town, city or village clerk any statement of the result of the canvass, or any duplicate of the same to be delivered to the county, who shall fail forthwith to deliver such statement to the proper town, city or village clerk, or within two days after the election to deliver the same to the county clerk, as required by this act; every messenger sent by any board of canvassers for election returns, or with them for correction, who shall wilfully fail to perform the duty he has undertaken, or shall unlawfully keep back or fail to deliver any returns so entrusted to him, shall, for such failure and neglect, be liable, upon conviction, to a fine of not less than twenty-five dollars, nor more than fifty dollars, or by imprisonment in the county jail not less than ten, nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court. This punishment shall be in addition to any other that may be provided by law for the withholding, suppression, destruction or nondelivery of such returns.

What laws repealed.

SECTION 127. The provisions of this act shall apply to all cities, towns and counties, in this state. Chapter 442, of the laws of 1889; chapter 439, of the laws of 1891; chapter 475, of the laws of 1889; chapter 21, of the laws of 1889; chapter 350, of the laws of 1887; chapter 178, of the laws of 1891; chapter 389, of the laws of 1885; chapter 62, of the laws of 1889; chapter 53, of the laws of 1885, are hereby repealed. All election districts or precincts, established under present laws, shall remain as they now are, until changed in accordance with the provisions of this act. All other acts or parts of acts, contravening the provisions of this act, are hereby repealed.

Established election districts to continue until changed.

SECTION 128. This act shall take effect and be in force from and after the first day of July, 1893.

Approved April 19, 1893.

No. 779, A.] [Published May 3, 1893.

CHAPTER 289.

AN ACT making a portion of the town of Stanfold, Barron county, a part of the city of Rice Lake, for school purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The northeast quarter of the northeast quarter of section number thirty-two, of township number thirty-five north, of range number eleven west, situated in the town of Stanfold, Barron county, is hereby made a part of school-district number One, of the city of Rice Lake, for school purposes. Attaches territory for school purposes.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 774, A.] [Published May 3, 1893.

CHAPTER 290.

AN ACT to appropriate money to establish and regulate a circulating library for the blind citizens of the state.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. There is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, the sum of one thousand dollars to the Wisconsin school for the blind, said money to be expended in the purchase of books printed in embossed type, for the use of the blind. Appropriation to Wisconsin School for Blind.

SECTION 2. The books so purchased shall constitute a library to be known as the "State Circulating Library for the Blind," to be located at the school for the blind. State circulating library.

Use of library. SECTION 3. All blind citizens of the state shall have the privilege of using this library, under such rules and regulations as the superintendent of the school for the blind shall deem necessary for the safety and preservation of the library.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 222, A.] [Published May 3, 1893.

CHAPTER 291.

AN ACT to change the boundaries of the towns in Forest county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attaches territory to Crandon. SECTION 1. The west half of township thirty-seven north, of range thirteen east, is hereby detached from the town of Gagen, and attached to the town of Crandon.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 217, S.] [Published May 11, 1893.

CHAPTER 292.

AN ACT to amend, revise and codify the laws in reference to the Wisconsin National Guard, and to repeal certain laws named in this act.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Wisconsin National Guard.

SECTION 1. The active and organized militia of the state of Wisconsin shall be known as the Wisconsin National Guard.

Of what to consist.

SECTION 2. The Wisconsin National Guard shall, after the year 1893, consist of not more than forty companies of infantry, one battery of artillery, one troop of cavalry, and a medical department. The infantry shall be organized into regiments consisting of not more than twelve, nor less than eight companies each; and each regiment divided into battalions not to exceed four nor less than three companies each; provided, no regiment shall be divided into more than three battalions, and each regiment may have one band. The entire force may, at the discretion of the governor, be organized into a brigade.

Infantry, how organized.

Brigade officers.

SECTION 3. The officers of the brigade, when organized, shall consist of one brigadier general, who shall command the brigade; the brigade staff, which shall be appointed by the brigade commander, subject to the approval of, and on the commission of the governor, shall consist of one assistant adjutant general and one brigade surgeon, with the rank of major; one inspector of small arms practice, with the rank of major; one quartermaster and commissary, with the rank of captain mounted; and two aides-de-camp, with the rank of first lieutenant mounted. The noncommissioned staff shall consist of one quartermaster and commissary sergeant; one bugler, one color bearer, two sergeant clerks, and one signal sergeant, who shall be appointed by the brigade commander from the enlisted men of the national guard.

Regiment officers.

SECTION 4. The regiments shall each be officered by one colonel, one lieutenant colonel, and

as many majors as there are battalions. The regimental staff shall consist of one regimental adjutant, one quartermaster, one inspector of small arms practice, and one chaplain, each with the rank of captain mounted; any such officer not providing himself with and using a proper horse when on duty, shall receive dismounted pay only. The regimental staff shall be appointed by the regimental commander, subject to the approval of, and on the commission of the governor. The regimental noncommissioned staff shall consist of one sergeant major, one quartermaster sergeant, one commissary sergeant, one hospital sergeant, and one chief bugler, who shall be appointed by the regimental commander from the enlisted men of his command.

Infantry company, number of men.

SECTION 5. Each company of infantry shall consist of not more than sixty-five, nor less than forty-five, enlisted men, and shall be officered by one captain, one first lieutenant, and one second lieutenant.

Battery, number of men.

SECTION 6. The battery shall consist of not more than eighty-five, nor less than fifty-five enlisted men, and shall be officered by one captain, two first lieutenants, and one second lieutenant.

Troop, number of men.

SECTION 7. The troop shall consist of not more than seventy-five, nor less than fifty-five, enlisted men, and shall be officered by one captain, one first lieutenant, and one second lieutenant.

COMPANIES, HOW ORGANIZED.

Application for organization, governor may appoint mustering officer.

SECTION 8. Whenever sixty-five persons resident and liable to military duty in any county shall subscribe and present to the governor an application for the organization of a military company, he may, at his discretion, appoint some competent person, as mustering officer, to muster such company and perfect the organization thereof, but without any expense to the state; provided, the whole number of companies shall not exceed the number fixed in section 2, of this chapter.

Meeting.

Such mustering officer shall forthwith fix a time and place of meeting for the purpose of such muster and organization, and give not less than ten, nor more than thirty days' notice thereof, by publication in some newspaper published in the

county, or by posting notices in three or more public places in the county.

Muster roll to be signed.

SECTION 9. The mustering officer shall preside at such meeting, which may be adjourned from time to time, and shall provide a muster roll, which each person so volunteering, who shall be accepted as competent, by such officer, shall sign; and such signature and the muster roll shall be conclusive evidence that such volunteer is subject to all the obligations imposed by law upon the members of the national guard. When at least fifty persons shall have been so mustered in, they shall proceed at such meeting to elect by ballot, under the superintendence of such mustering officer, the several officers required by law, and a majority shall be necessary to a choice. After such election the name and rank of such officers shall be entered on the muster roll, and the mustering officer shall certify and forward the same, together with a copy of the proceedings and notice of such meeting to the adjutant general. If it shall appear that such organization shall have been perfected and such officers elected according to law, and the governor shall approve such organization and officers, such company shall be enrolled as part of the national guard, and the officers commissioned. If the governor disapprove such organization, he may, at his discretion, direct another meeting to perfect the same. If he disapprove any officer so elected, he may direct another meeting or meetings to elect others instead.

Election of officers.

Enrollment of company.

MEDICAL DEPARTMENT, ORGANIZATION, ETC.

Medical department, organization of.

SECTION 10. The medical department of the national guard of the state of Wisconsin shall be organized as follows: The surgeon general shall be the head of the department. There shall be as many majors as there are brigades and regiments, and as many captains as there are battalions of infantry, companies of cavalry, and batteries; said officers to have the rank of majors and captains mounted; provided, any such officer, not providing himself with, and using when on duty, a proper horse, shall receive dismounted pay

only. A hospital corps may also be organized by orders of the governor.

Medical officers, how commissioned.

SECTION 11. Medical officers may be commissioned by the governor upon the recommendation of the surgeon general, or otherwise, from the physicians of towns where military companies are stationed; and any vacancies shall be filled by the promotion of the medical officer next in rank, unless such promotion be waived, or the governor shall order otherwise.

Vacancies.

Surgeon general, powers and duties of.

SECTION 12. The surgeon general shall, under the direction of the governor, have general supervision of the selection, purchase and distribution of all medical and hospital supplies, and he is hereby authorized with the approval of the governor, to purchase such medical and hospital supplies as may be necessary; he shall make, subject to the approval of the governor, such regulations for the government of his department as he may deem necessary; he shall submit to the governor annually, on the first day of October, a report with an itemized statement of the affairs and expenses of his department.

Majors and generals of medical staff, powers and duties of.

SECTION 13. The duties of the majors and captains of the medical staff shall be such as may be provided for by the United States or state regulations; they shall act as examiners of applicants for admission to the national guard, instruct the hospital corps, and advise commanding officers in sanitary matters. They may, by order of the governor, be assigned to duty with such commands as the surgeon general may recommend.

BANDS, HOW ORGANIZED.

Regiment band.

SECTION 14. Each regiment may have one band of not to exceed twenty-four men, the members of which shall hereafter be enlisted by the regimental commander, or such officer as he may appoint for such purposes, and such members shall receive the same pay and allowance, except for armory rent, as other enlisted men of the national guard, and be held to service as other enlisted men therein. The governor may, by orders, prescribe and establish such rules and regulations for the issuing of state property to

bands and the giving of security therefor, the mustering, inspection, property and other returns, as he may deem proper.

Volunteer company or band.

SECTION 15. No volunteer company or band shall be organized, except as provided in this chapter, and all companies and bands as now organized shall be entitled to state aid on compliance with its other provisions.

BY-LAWS.

Company or band to adopt by-laws, etc.

SECTION 16. Each company or band may adopt such constitution, rules or by-laws, not inconsistent with the constitution, laws and military regulations of the United States and of this state, as a majority of all the members thereof may approve; and may therein provide fines and penalties for any violation thereof, which for absence or refusal to appear for instruction or parades shall not exceed five dollars, nor be less than one dollar; and all such fines and penalties shall be collectable in an action in the name of the commanding officer as plaintiff, before any competent court or magistrate. Such constitution, rules or by-laws shall become operative when approved by the governor.

Governor to approve.

OFFICERS, HOW COMMISSIONED.

Commissions, governor to issue.

SECTION 17. The governor shall issue commissions to all officers, elected or appointed, whose election or appointment shall be approved by him. Every commission shall be countersigned by the secretary of state, and attested by the adjutant general, and continue at the pleasure of the governor. The officers so commissioned shall take and file with the adjutant general the oath of office prescribed by the constitution, and endorse a copy thereof on his commission, which shall take effect only when so endorsed. All commissioned officers shall take rank according to the date assigned them by their commissions, and when two of the same grade rank from the same date, their rank shall be determined by length of service in the Wisconsin national guard, and if of equal service, then by lot.

Oath.

Rank.

TERM OF SERVICE.

Term of service.

SECTION 18. Every man, who shall have been mustered or enlisted in the national guard, shall be held to service therein for three years, unless sooner discharged, as herein provided. A commissioned officer may resign his commission to his immediate commanding officer, in writing, who shall properly forward the same to the adjutant general. The governor shall, by order, accept or reject the same, and, if accepted, fix the date of its taking effect. No resignation shall take effect except as so ordered. Vacancies caused by the death, resignation, promotion, discharge or removal of any company officer, shall be filled by the promotion of the officer of such company next in rank, subject to the approval of the governor. Any honorably discharged soldier of the national guard may, after serving the full term of service, be re-enlisted for the term of one year. Every member of the national guard shall be exempt from jury duty, and from the payment of poll tax of every description; and every member, who shall be honorably discharged after five years' service, or by reason of injury received in the line of duty, shall be forever so exempt, and also exempt from military duty in time of peace. The proper discharge certificate shall be conclusive evidence of the right to such exemption.

Officer may resign.

Vacancy, how filled.

Reinstatement.

From what member of guard to be exempt.

Honorable discharge, when and how granted.

SECTION 19. Enlisted men shall be honorably discharged only upon certificates thereof, signed by the company commander, and endorsed by the adjutant general, with the governor's approval. Such discharge shall not be granted until after three years' service, or from some absolute disability occurring after mustering in, or unless the member discharged permanently removes his residence out of the county, or unless the governor shall order the same for other good cause. Any officer of the national guard may be discharged by order of the commander-in-chief. Any member who absents himself from all meetings for instruction during a period of thirty days, unless properly excused by his commanding officer, shall, in addition to all other penalties, be debarred from the exemption from jury duty, be

Absence from meetings for instruction; penalty.

considered a deserter, and be dishonorably discharged from the service of the state.

Dishonorable discharge, causes for.

SECTION 20. Any enlisted man may be dishonorably discharged from the military service of this state, for any of the following causes: First. Absence from his command when called out for the suppression of riot or for other active duty. Second. Desertion. Third. Insubordination, immoral conduct or intemperance. Fourth. Continued nonattendance at drills. Fifth. Refusal to pay any fine properly imposed.

EXAMINATION OF SUBORDINATE OFFICER.

Governor may order.

SECTION 21. The governor may, whenever requested so to do by the commanding officer of the brigade or any regiment, battalion or company, or whenever he deems that the interests of the service will be promoted thereby, order any subordinate officer, or any officer or person nominated or recommended for promotion in such brigade, regiment, battalion or company, to be examined by any competent officer or board of officers, designated in orders for that purpose, as to his qualification for the office to which he may be recommended or commissioned, and may take such action on the report of such examining officer, or board of officers, as he may deem to be for the best interest of the service.

GOVERNOR'S STAFF.

Of whom composed.

SECTION 22. The military staff of the governor shall consist of one adjutant general, one quartermaster general, one surgeon general, with the rank of brigadier general; such aids-de-camp, with the rank of colonel, and such other officers as he may from time to time require. The adjutant general and the quartermaster general may each appoint one assistant with the rank of major, and the quartermaster general may appoint an additional assistant with the rank of captain.

WHO MAY BE AID-DE-CAMP.

Governor to appoint.

SECTION 23. The governor is hereby authorized to appoint any officer of the United States army who may be on duty as professor of military science and tactics in the state university or other institution of learning in this state as aid-de-camp, with the rank of colonel.

ADJUTANT GENERAL, HIS DUTIES.

Adjutant general to be chief of staff, have custody of military records, etc.

SECTION 24. The adjutant general shall be chief of staff and inspector general. He shall have an office and keep it open during the usual business hours every day. He shall have the custody of all military records, returns, reports, correspondence, muster rolls, and other documents relating to the volunteers of this state, heretofore in the service of the United States, and of the national guard heretofore or hereafter organized, except such as are required to be filed with the governor or quartermaster general. He shall be the medium of military correspondence with the governor, and perform all other duties appertaining to his office or prescribed by law. He shall, biennially, on or before the first day of October, make a report to the governor to be laid before the legislature, of all the transactions of his department since the last biennial report, and setting forth the number, strength and condition of the national guard, and such other matters as he may deem important. He shall also make and transmit to the president the annual returns required by the laws of the United States, and at the same time submit to the governor a duly certified copy thereof.

Biennial report of.

DUTIES OF THE ADJUTANT GENERAL AS PENSION AGENT.

Adjutant general to assist claimants for pensions, etc.

SECTION 25. It is hereby made the duty of the adjutant general to assist all persons residing in the state of Wisconsin, having claims against the United States for pensions, bounty, or back pay, where such claims have arisen out of, or by

reason of service in the war of the rebellion. To this end the said adjutant general shall cooperate with the agents or attorneys of said claimants, advise as to the legality of claims, furnish to claimants only all necessary certificates and certified abstracts from, and copies of records and documents in his office, and in all practicable ways seek to secure speedy and just action upon all claims now pending, or which may be hereafter filed. He shall also, in cases where it may be expedient, act as agent or attorney of record in prosecuting claims for such of the persons before described as may request him to do so; provided, however, that for any services rendered pursuant to the provisions of this act, neither the said adjutant general nor any of his assistants or clerks shall make any charge or demand, or receive from the said claimants, or any of them, directly or indirectly, any pay or compensation whatever.

Not to receive compensation.

COMPENSATION, EXPENSES, POSTAGE.

SECTION 26. The adjutant general shall receive a compensation of two thousand dollars *per annum*, and also his necessary expenses, which shall not exceed the sum of five hundred dollars annually, while absent from his office on official business, which shall be payment in full for all services rendered by him under this or any other law of the state; and the same shall be audited and paid in the same manner as the salaries and expenses of other state officers are audited and paid. The adjutant general, and the quartermaster general also, shall each be furnished with all necessary stationery and postage for the use of their respective offices.

Adjutant general, compensation of.

Stationery and postage.

QUARTERMASTER GENERAL.

SECTION 27. The quartermaster general shall give a bond to the state in the sum of twenty thousand dollars, with not less than four sureties, resident freeholders, to be approved by the governor, and filed in the executive office, conditioned that he shall faithfully discharge the duties of

Quartermaster general to give bond.

his office, and deliver to his successor in office, or to any other person authorized by law to receive the same, all arms, ordnance, ordnance stores, money and other property belonging to the state, and all books, papers and bonds in his possession or charge, pertaining to his office; and if at any time the governor shall deem such bond insufficient, he shall require him to furnish such additional bond or security as he may deem sufficient.

HIS DUTIES.

To be commissary general and chief of ordinance, and have charge of military property.

SECTION 28. The quartermaster general shall be commissary general and chief of ordinance. He shall have an office at Madison, and keep it open during the usual business hours every day. He shall have charge of the military property of the state, and carefully preserve, repair and account for the same; shall keep in such manner as the governor shall direct, and subject to his inspection, an account of all moneys received and expended by him; perform the customary duties of his office, and of the office of commissary general and chief of ordnance, and have the custody of all records, returns and papers pertaining to such offices; and he shall biennially, on or before the first day of October, render a report to the governor, to be by him laid before the legislature, giving a detailed statement of all moneys received and expended by him, of all military property belonging to the state and remaining on hand at the date of his last biennial report, and such as may have come into his possession after such date, and from what sources the same has been received, and to whom issued or how expended, and upon whose order, and the condition of the property remaining on hand, also showing who has the possession, and the condition of all military property, issued under the military laws, so far as the same has been reported to him.

Biennial report

CONTRACTS FOR TRANSPORTATION.

SECTION 29. The transportation of all troops arms, accoutrements, stores and other property

shall be contracted for by the quartermaster general, under the direction of the governor, and accounts therefor, approved by the governor, shall be paid out of the state treasury. Quartermaster general to contract for transportation of troops, etc.

OUTFITS FOR RIFLE PRACTICE.

SECTION 30. The quartermaster general is hereby authorized to purchase and issue to each company of the national guard such supplies for gallery rifle practice as may be prescribed by the governor, at an expense not exceeding ten dollars *per annum* for each company, to be paid for out of the state treasury. Quartermaster general to issue.

UNIFORMS.

SECTION 31. The state shall supply, through the quartermaster general's department, each enlisted man with a good and substantial fatigue uniform, overcoat, rubber blanket, and such other clothing and equipments as the governor may direct, not to exceed the number of the maximum strength of each company or band; provided, that the expenditure for the purchase of the clothing herein provided for shall not exceed the sum of twenty-two thousand dollars biennially. Provided, further, that any company which has provided itself with such fatigue uniforms, overcoats or rubber blankets, or any other clothing or equipments, such as may be approved in lieu thereof, such company shall be reimbursed for the cost thereof in a sum not exceeding that paid by the state for similar clothing purchased in pursuance of this act, on the report of an inspecting officer that such clothing so provided is of proper pattern and quality, and in good condition. Clothing and equipments, how supplied.

SECTION 32. The quartermaster general is hereby authorized to contract, subject to the approval of the governor, for the purchase of the overcoats, blankets and uniforms provided for in this act, and the cost thereof shall be paid out of the state treasury, together with the necessary expenses of making such purchase and distribution. The uniform of the national guard of the state of Wisconsin shall be that of the Overcoats, blankets, etc., contract for purchase of.

United States army, substituting the state button for that of the national service.

Uniform of guard, not to be worn by unauthorized person.

SECTION 33. It shall be unlawful for any organization or individual not regularly enrolled in the United States army or marine corps, the national guard of the several states, or the student cadet companies armed and recognized by the national or state governments, to wear the uniform of the Wisconsin national guard; and any person violating the provisions of this section shall be punished for each such offense by a fine of not less than ten, nor more than one hundred dollars, or by imprisonment of not less than five, nor more than thirty days, or both. Justices of the peace shall have jurisdiction of all such offenses, and the provisions of law in reference to the jurisdiction of justice's courts in criminal cases shall apply thereto. It shall be the duty of the district attorney of the county in which such offense is committed, to prosecute the action in the name of the state.

Penalty.

ARMS MAY BE ISSUED TO COLLEGES, ETC. WRONGFUL DETENTION OF.

Arms and equipments, how issued to colleges, etc.

SECTION 34. The governor may, in his discretion, direct the quartermaster general to issue old or unservicable arms and equipments in possession of the state to such colleges and schools applying for the same for the purpose of instruction in military science, in such quantities as he may deem proper. But no arms, accoutrements, stores or military property shall be issued otherwise than as herein provided, except in case of war, insurrection or imminent public danger. No person shall retain at any time any arms, equipments or military stores of any kind belonging to the state, unless they have been properly issued to him in pursuance of law and he shall be permitted by proper authority to retain the same in the discharge of a public duty; and no person shall use any public arms, equipments, clothing or military stores, belonging to the state, for his private use. Any person violating the provisions of this section, shall forfeit not less than twenty dollars, nor more than fifty dollars, such forfeiture to be re-

Wrongful detention or use of arms, etc., of the state.

Penalty.

covered in an action brought in the name of the state on the complaint of any citizen. It shall be the duty of the district attorney of the proper county to prosecute every such action.

INSURANCE.

Company commander to insure state property.

SECTION 35. Every company commander shall immediately insure in some reliable insurance company or companies to the extent of seventy-five per cent. of the full value thereof, any state property now in his possession, or hereafter received by him, and forward such policy or policies to the quartermaster general. All policies insuring such property must provide in substance, "Loss, if any, payable to the quartermaster general of the state of Wisconsin." The premiums may be paid out of such funds as provided in section 69.

ARMS AND STORES.

Arms and stores, how issued to company commander.

SECTION 36. The state shall supply through the quartermaster general's department, to the commanding officer of any company composed of not less than the minimum number, organized according to law, such arms, accoutrements or stores, as shall be required for its proper equipment. Such commanding officer shall execute to the state a bond with such sureties and in such form as the governor shall approve, and in a sum not less than double the value of such arms, accoutrements or stores furnished, conditioned for the faithful preservation and care of all such arms, accoutrements, moneys, or stores, as shall be by him received from the state, to indemnify the state against any loss by misuse or misapplication of any part thereof by himself or any other person; to account for all of the same according to law, and to deliver the same to any officer lawfully entitled thereto, on demand, and to pay all sums lawfully appraised for losses or damages. Thereupon the quartermaster general shall issue such arms, accoutrements and stores as the governor shall by order direct, which shall be as nearly as possible those in use

Bond to be given.

in the army of the United States, upon receiving duplicate receipts therefor, one of which he shall file with the secretary of state, and the other in his office. Every such bond shall be held to apply to all military property received by such officer at any time.

CUSTODY OF PROPERTY.

Commanding officer to be legal custodian of property.

SECTION 37. The commanding officer for the time being is the legal custodian of the money, property and effects of any company, regiment or brigade of the national guard, whether such property is owned by said company, regiment or brigade, or its members collectively, or has been issued to it or any of its officers, for its use by state or United States authority, and may sue for and recover possession of the same, whenever wrongfully withheld from his custody, or the custody of the company, regiment or brigade, in an action before any competent court or magistrate.

Military property exempt from execution.

SECTION 38. The uniforms, arms and equipments of every member of the national guard, together with any military property of any company, regiment or brigade, shall be exempt from execution for debt.

PRESERVATION OF FLAGS.

Flags, quartermaster general to procure.

SECTION 39. The quartermaster general shall preserve in proper cases, the colors and flags of the several regiments, batteries and detachments of the state, engaged in the late war. A label shall be placed conspicuously on each of said colors and flags, stating the number of the regiment, and briefly the battles, sieges and campaigns in which the regiment, battery or detachment was engaged; and such flags and colors shall be placed so that such labels can be seen without opening the cases.

EMPLOYMENT OF CLERKS.

SECTION 40. The governor, and the adjutant general and the quartermaster general, with the

governor's approval, may employ such clerks in their offices, and shall be furnished with such blanks and blank books, as may be necessary to the proper discharge of their duties under this chapter. The governor may, by orders, duplicates of which shall be filed with the secretary of state, fix the pay of the quartermaster general, and the pay of any member of his staff, or other officer or officers, for any special service under orders, and the pay of all clerks above referred to. The pay of such officers and clerks, and their actual and necessary expenses when on special duty, under the orders of the governor, shall be paid out of the state treasury.

Clerks, employment and compensation of.

CAMPS FOR INSTRUCTION, PARADES, ETC.

SECTION 41. The governor may order all of the national guard or any portion thereof, and the commander of any organization of the national guard may order the whole or any portion of his command, stationed in any city, to assemble for instruction, parade, review or exercise, at such times and places and for such length of time as he may think proper, or make any other orders relating thereto; provided, no organization of the national guard shall be ordered to, or shall leave, the limits of the county in which its station is located, except by permission of the commander-in-chief.

Assembly for instruction, parade, etc., governor may order.

SECTION 42. The governor may also order the national guard, or any part thereof, into encampments for military instruction, not to exceed seven days in any year, and may fix the time and place for such encampments. Any troops, when so ordered into camp, shall be furnished by the state with transportation, tents and camp equipage, and such other reasonable and necessary provision for the proper care and preservation of the health of the men, so ordered into camp, as may be ordered by the governor, and an allowance for subsistence and other expenses, not herein provided for, equal to two dollars per day, for each day's actual service in such encampment, or en route to and from the same, by each enlisted man; and each officer, except as otherwise provided in this act, shall

Encampment for military instruction, governor may order.

With what troops to be furnished.

Allowance for subsistence and exposure.

Pay.

receive the pay of an officer of equal rank in the United States army, while on duty at such encampment, or on other service under orders of the governor, to be paid out of the state treasury, on such vouchers and proofs as the governor may require, and on his approval. The amount due on account of any company, shall be paid to its commanding officer, and the amount due on account of the field, staff or other officers, or enlisted men, not herein enumerated, if any, on duty in such encampment under orders, shall be paid to the person to whom the same shall be due. The amount due the noncommissioned staff and band, shall be paid to the regimental commanders. The allowances herein provided for may be withheld by order of the governor, and applied to the payment of any damages to grounds, buildings, uniforms, equipments, or any property, public or private, which may be caused by the fault or neglect of any officer or enlisted man in camp, or en route to or from the same.

ANNUAL INSPECTION OF COMPANIES.

Annual inspection, when and how held.

SECTION 43. At least once in each year, and between the months of March and October, inclusive, and upon not less than three days' notification to the commanding officer, an inspection shall be made of each company of the national guard by some officer appointed by the governor for such purpose. Such inspection shall be held in the same manner and form, prescribed for troops in the service of the United States. The inspecting officer shall be furnished with the last muster roll, and ordnance and property return of such company, and shall report to the governor in writing on a form provided for that purpose. The inspecting officer may be allowed ten cents per mile for every mile actually traveled in the performance of his duty, to be paid out of the state treasury.

When company may be disbanded.

SECTION 44. Whenever any company of the national guard shall fall below the minimum in membership, become lax in discipline, negligent in drill or other duties, or its members lose interest in their organization, the governor may, by order, retire and disband such company.

Same.

SECTION 45. The governor may at any time, by order, disband any company for insubordination, or when, upon inspection, it shall appear to be not properly organized or conducted, or when musters and returns shall not be made, and may direct all arms, accoutrements, and stores to be delivered up by whomsoever held, and if any person, who was a member of such disbanded company, shall appear with or retain arms or property of the state in his possession, until again mustered or enlisted into the service, he shall forfeit not less than twenty-five, nor more than one hundred dollars.

MUSTER ROLLS, WHERE FILED, INSPECTION.

When company to be mustered.

SECTION 46. On the last Monday of April, and the last Monday of September, in each year, each and every company of the national guard shall be mustered by the commanding officer thereof, and duplicate muster rolls shall be made and certified by him, one of which shall be filed with the adjutant general, before the twentieth day of the succeeding month. Such muster rolls shall set forth the officers in order of rank and the enlisted men in alphabetical order, distinguishing recruits since last muster, and shall truly state the residence, age and date of enlistment of each, and such other facts as shall be required by orders or the forms prescribed. On said muster days every such commanding officer shall also inspect all arms, accoutrements, stores and other military property, issued by the state to him or his command, and make and certify an account and return thereof, in duplicate copies, one of which shall be filed with the quartermaster general, before the twentieth day of the succeeding month. In such returns he shall state the true number, amount and condition of such arms, accoutrements, stores and property, charging himself with the amount on hand at the time of his last return, and all subseqently received, and furnishing vouchers for all returned, disposed of or lawfully expended, in such manner as shall be prescribed.

Muster rolls, what to set forth.

Arms, stores, etc., to be inspected; account to be returned.

INSPECTION OF ARMS, REPAIRS, BOARD OF SURVEY.

Arms, accoutrements, etc., to be subject to inspection by inspector-general, etc.

SECTION 47. All arms, accoutrements or stores, issued at any time by the state, shall be at all times subject to inspection by the inspector general, chief-of-ordnance, or any officer designated by the governor for such purpose, who shall report the true condition thereof. The governor may at any time require repairs to be made or defects and losses supplied; and be may, at any time, convene a board of survey, appraisal or condemnation, to condemn old, damaged or worn out property, or to appraise the loss sustained by the state from injury, want of repair, defects or losses in any such arms, accoutrements or stores, issued to any officer; which board, after reasonable notice to him, and hearing of his explanations or objections, shall appraise the same and make report; and the amount so appraised, approved by the governor, shall be conclusively deemed the amount of his liability on his bond therefor, up to the date of such report; and he shall immediately pay the same into the state treasury. The governor shall cause suit to be brought, whenever necessary, to make good any loss from injury, want of repair, or loss of any arms, accoutrements or stores, or other state property.

Board of survey, governor may convene; proceedings.

LIABILITY FOR LOST ARMS, HOW RELIEVED FROM.

By order of governor on report of board of survey.

SECTION 48. If any arms, equipments, tents camp equipage, or other military stores or property, belonging to the state, shall be, or may have been heretofore, destroyed by fire, or otherwise lost or destroyed, or damaged, without the fault or neglect of the officer responsible for the same, such officer and any surety may, by order of the governor, on the report of a board of survey, or other satisfactory proof, be relieved of all liability therefor.

ARMS, HOW DISPOSED OF ON CHANGE OF OFFICERS.

To be delivered to quartermaster general.

SECTION 49. Whenever any officer, responsible for state property shall resign, be promoted, dismissed or discharged, he shall deliver such arms, accoutrements or stores only to the quartermaster general, or to some officer appointed to receive the same, and take duplicate receipts therefor, one of which he shall file with the quartermaster general. His successor in office shall, before receiving such property, execute and file a bond as hereinbefore provided. In case of the death of any such officer, the next in command shall immediately take charge of such arms, accoutrements or stores, and deliver the same to the quartermaster general, or some person appointed to receive the same; or if commissioned in place of such deceased, shall execute and file a like bond, and file duplicate receipts for such arms, accoutrements and stores, with the quartermaster general.

Successor to give bond.

ARMORY.

Company to provide.

SECTION 50. Each company shall provide, at its own expense, a suitable room or building for an armory, and proper racks, frames and other needful provision for the safe keeping of the arms, accoutrements and stores, issued by the state, and shall therein keep the same when not in lawful use.

Armory rent and other expenses, appropriation for, upon what showing made.

SECTION 51. When such company shall be found by means of the annual inspection, provided for in this act, to be properly organized; to have at least the minimum number of members; to be well uniformed; to be well equipped with the necessary arms and accoutrements; and to have its arms, accoutrements and stores in good condition; to have assembled for inspection and drill as provided by law; and if the commanding officer of such company shall have made all the muster rolls and returns required by law or order, all of which shall be evidenced by the certificate of the adjutant general; and when such certified inspection report shall be approved by the governor each

such company shall annually be paid out of the state treasury, upon the receipt of its commanding officer, the following appropriations in addition to those otherwise provided for in this act: Each company, stationed in a city containing less than twenty thousand inhabitants, according to the last state or national census, the sum of three hundred dollars. Each company, stationed in a city containing more than twenty thousand and less than fifty thousand inhabitants, according to the last state or national census, the sum of four hundred dollars. Each infantry company, stationed in a city containing more than fifty thousand inhabitants, according to the last state or national census, the sum of five hundred dollars. The troop of cavalry and battery of light artillery each the sum of eight hundred dollars. The above mentioned appropriations shall be full compensation for armory rent, and for all other expenses not otherwise provided for in this act.

ARMORIES EXEMPT FROM TAXATION.

SECTION 52. The armory owned by any regiment, battalion or company, used for military purposes by such organization, shall be exempt from all taxes and assessments, except local assessments for the improvement of streets, sidewalks, sewers or drains.

RULES OF DISCIPLINE.

Rules and regulations of United States army to be applicable.

SECTION 53. The rules of discipline and the regulations of the army of the United States shall, so far as the same may be applicable, constitute the rules of discipline and the regulations of the national guard of this state, and the rules and articles of war, established by congress and the war department for the army of the United States, shall be adopted so far as they may be applicable for the government of the national guard of this state; and the system of instruction, and the drill regulations, prescribed for the different arms and corps of the United States army, shall be followed in the military instruc-

tion and practice of the national guard of this state, and the use of any other system is forbidden. The quartermaster general is hereby authorized, under the direction of the governor, to make the necessary purchases, and issue to each of the commanding officers of the brigade, regiments, and companies, six copies of the said drill regulations, taking receipts for the same, as for other military property; and every commanding officer shall make return thereof in the semi-annual returns and be answerable therefor on his bond.

Quartermaster general to issue copies of drill regulations.

SECTION 54. Each company of the national guard shall assemble for instruction at least three times a month, unless in the case of infantry companies, excused for good and sufficient reasons, by the regimental commander, and in case of troop or battery, unless excused by special order of the governor.

When company to assemble for instructions.

ACTIVE SERVICE.

SECTION 55. In case of war, insurrection, rebellion, riot or invasion; or of resistance to the execution of the laws of the state, or of the United States; or upon application of any marshal of the United States; or of any mayor of a city, or of a sheriff, the governor may order into active service all or any portion of the national guard.

When governor may order into active service.

SECTION 56. If the governor be absent or cannot be immediately communicated with, any such civil officer may, if he deems the occasion so urgent, make such application, which shall be in writing, to the commanding officer of any company, battalion or regiment, who may, if the danger be great and imminent, order out his command to the aid of such officer. Such order shall be delivered to each commanding officer, and by him immediately communicated to each and every subordinate officer, and every company commander receiving the same shall immediately communicate the substance thereof to each member of the company, or if any such member cannot be found, a notice in writing, containing the substance of such order, shall be left at the last and usual place of residence of

Commanding officers, when may order command into active service.

Notice of order, how given.

such member, with some person of suitable age and discretion, to whom the contents of such notice shall be explained.

Failure to give notice or obey order, how punished.

SECTION 57. If any company commander or commissioned officer, receiving such order, shall fail to give such notice as required thereby or by law, or shall fail to appear at the time and place so ordered, prepared for duty, he shall be cashiered, and be further punished by fine and imprisonment as a court martial may judge; and if any enlisted man, after being duly notified, shall refuse or neglect to appear at the time and place of rendezvous properly prepared for duty, or shall fail to obey any order issued in such case, he shall be deemed a deserter, and be punished by a fine not less than fifty dollars, nor more than three hundred dollars, or be imprisoned not exceeding six months, or both; and any person who advises or endeavors to persuade an officer or soldier to refuse or neglect to appear at such place, or to obey such order, shall be punished by imprisonment not exceeding six months, or by a fine not exceeding one thousand dollars, or both. But physical incapacity to perform military service, dangerous sickness in the family of any such officer or enlisted man, or absence at the time such notice was served, when such absence was not intended to avoid such notice or service, and when he shall join for duty upon his return, if his command is still in service, shall excuse such default.

What to excuse default.

PAY OF TROOPS AND OFFICERS.

Pay when in active service.

SECTION 58. When called into active service, and retained for thirty days or less, such troops shall be subsisted and paid as provided in section 42, of this act, referring to annual encampments. If engaged longer than thirty days, they shall receive after the expiration thereof the pay and rations established by law for the army of the United States.

MISCELLANEOUS.

RULES FOR GOVERNMENT.

Governor to make and publish.

SECTION 59. The governor may, from time to time, make and publish rules, regulations and orders for the government of the national guard, not inconsistent with law, and cause the same, together with any laws relating to the national guard, to be printed and distributed in book form, in such number as he may, in his judgment deem necessary.

BLANKS AND INSTRUCTIONS.

Adjutant general and quartermaster general to prepare and furnish

SECTION 60. The adjutant general and quartermaster general shall prepare, subject to the governor's approval, blanks and forms for muster rolls, ordnance and property returns, reports, receipts and other papers necessary to carry out the provisions of this act, or for the proper management of the national guard, with proper accompanying instructions, and furnish the same to the several company commanders and other officers from time to time. The adjutant general shall preserve and cause to be recopied, when necessary, such muster rolls or other records of his office, as are required to be transcribed for preservation.

ELECTION DAYS, MUSTER NOT HELD ON.

Not to be held within five days before election.

SECTION 61. No muster or assembly for instructions, review or parade, shall be held or called in any county, on any day during which a general or special election shall be held therein, nor within five days before such election, except in case of riot, invasion, insurrection or imminent danger thereof; and if any officer shall order any such muster or assembly, he shall forfeit one hundred dollars.

EXEMPTION FROM ARREST.

When not to be arrested on civil process.

SECTION 62. On days of military parade, the national guard, called out by proper authority, and performing military duty, shall be considered to be under military discipline, performing such duty, from the rising to the setting of the sun, or if performing military duty under orders after the setting of the sun, then until the rising of the sun of the next day; and no officer or enlisted man shall be subject to be arrested on any civil process during the time aforesaid.

RENDEZVOUS GROUNDS NOT TO BE OBSTRUCTED.

Arrest and punishment of offender.

SECTION 63. The commanding officer of any parade, review or drill, and the officer in charge of any rendezvous or camp, may cause the ground selected for that purpose to be marked or designated in such a manner as not unnecessarily to obstruct travel on any public highway; and if any person, during the occupation of such ground for such military purpose, shall encroach upon such bounds, or enter upon such ground, without the permission of such officer, he may be arrested and kept under guard by the order of such officer, until the setting of the sun of the same day, or for such reasonable time as may be necessary to procure his arrest by the civil authorities. Any such offender may be arrested and punished by any court of competent jurisdiction as for a breach of the peace.

PENALTIES FOR INSULTING OFFICERS OR SOLDIERS, ETC.

What constitutes offense.

SECTION 64. If any person shall intercept, molest, insult or abuse any officer or enlisted man of the national guard, while in the performance of his military duty, he may be immediately arrested and kept confined at the discretion of the commanding officer of the forces engaged in the performance of such military duty, until the setting of the sun of the same

day on which the offense shall have been committed, or for such reasonable time, as may be necessary to procure his arrest by the civil authorities. Any such offender may be arrested and punished by any court of competent jurisdiction, as for a breach of the peace.

DEFINITION OF COMPANY.

Term defined.

SECTION 65. Whenever the word company is used in a military sense, in this act, it shall be understood and construed to mean a company of infantry, troop of cavalry, or battery of artillery.

AUTHORITY TO ADMINISTER OATHS.

Officers may administer oaths of enlistment.

SECTION 66. All officers of the military force of this state shall be empowered to administer oaths of enlistment, and the same shall have full force and effect, as if made before a civil magistrate, or other officer competent to administer oaths.

MILITARY RESERVATION.

SECTION 67. The state camp ground near Camp Douglas, Juneau county, shall be known as the "Wisconsin Military Reservation."

Appropriation for military reservation.

SECTION 68. There is hereby appropriated out of the general fund, to be paid on the voucher of the quartermaster general, with the approval of the governor, the sum of three thousand dollars annually, for the maintenance, care and improvement of said military reservation.

GENERAL APPROPRIATION CLAUSE.

General appropriation.

SECTION 69. There shall be paid annually to each company, from the state treasury, for the repair, care and insurance of state property in its possession, or in the possession of its commanding officer, the sum of five dollars for each member who is in attendance at the annual inspection, fully uniformed. The governor may order such payment to be withheld from any

Payment, when withheld.

company, which shall be delinquent in returns or reports, neglectful of its duties, parades, drills or instruction, or guilty of any insubordination or misapplication of its funds drawn from the state.

Deposit of part of funds in treasury, governor may require.

SECTION 70. The governor may require, by orders, any company to leave all or any part of such funds in the treasury on deposit, and may direct the same to be expended for uniforms or repairs thereon, when and in such amounts as he shall direct, and may make such orders or regulations, or require such security from officers, from time to time, as he may deem necessary for the proper care or expenditure of said funds or the clothing procured therewith.

EXTRA ALLOWANCE FOR MOUNTED TROOPS.

What amount to receive.

SECTION 71. In addition to all other appropriations and allowances provided for in this act, the troop and battery shall each receive, subject to the approval of the governor, the sum of three hundred dollars annually, as extra allowance for the extraordinary expense incident to drills and instruction of mounted organizations; and each regimental commander shall receive annually the sum of one hundred dollars, for the incidental expenses of regimental headquarters, and each such commander shall annually report to the adjutant general the disposition made of such fund.

Report of convention of officers of National Guard, printing and distribution of.

SECTION 72. The adjutant general is hereby authorized to procure the printing of, and upon his order the public printer shall print and deliver to the adjutant general, for distribution, not to exceed two thousand copies of the report of the annual convention of the officers of the Wisconsin National Guard, which shall be distributed as follows: To each company, troop or battery, five copies; to each commissioned officer, one copy; to each state officer and member of the legislature, one copy; and the remainder to the adjutant general, for distribution at his discretion; provided, that such volumes shall not exceed one hundred pages each.

Appropriation.

SECTION 73. There is hereby appropriated, out of any money in the state treasury not otherwise

appropriated, a sum of money sufficient to make the purchase, defray the expenses, and pay all allowances authorized by this act.

SECTION 74. Chapter 34, of the Revised Statutes of 1878, except section 617, of said chapter; chapter 208, of the laws of 1879; chapter 185, of the laws of 1880; chapter 300, of the laws of 1880; chapter 299, of the laws of 1881; chapter 139, of the laws of 1882; chapter 162, of the laws of 1882; chapter 301, of the laws of 1882; chapter 298, of the laws of 1885; chapter 394, of the laws of 1885; chapter 404, of the laws of 1885; chapter 439, of the laws of 1885; chapter 452, of the laws of 1885; chapter 353, of the laws of 1889; chapter 382, of the laws of 1889; chapter 344, of the laws of 1891; and all acts and parts of acts, inconsistent or in conflict with the provisions of this act, are hereby repealed. What laws repealed.

SECTION 75. This act shall take effect and be in force from and after its passage and publication

Approved April 19, 1893.

No. 357, A.] [Published May 3, 1893.

CHAPTER 293.

AN ACT to require mutual fire insurance companies, incorporated outside of the state of Wisconsin, and doing business within the state, that have been declared insolvent, to collect all claims due from policy holders within the time specified, and for other purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. All mutual fire insurance companies, incorporated outside of the state of Wisconsin, that have been declared to be insolvent, and where a receiver has been appointed, shall, within six months after the passage and publication of this act, proceed to collect all claims due from policy holders within this state for premiums or assessments. The insurance commissioner is Shall proceed to collect claims.

Insurance commissioner may direct inquiries.

hereby authorized to direct such inquiries and interrogatories to any receiver so appointed, as he may deem appropriate, and it is hereby made the duty of all such receivers to answer such inquiries under oath; and no action shall be maintained to enforce any of such claims so due, unless such action shall be commenced within six months after the passage and publication of this act, and no such action shall be maintained at any time by any such receiver, who neglects or refuses, for the period of thirty days, to answer truthfully all such inquiries so directed to him by said insurance commissioner.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 776 A.] [Published May 5, 1893.

CHAPTER 294.

AN ACT fixing the amount of property Downer college may own, and ratifying gifts or purchases of property heretofore made, and authorizing the board of trustees of said college to incorporate under the general statutes of the state.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Board of trustees may hold, etc., property; amount.

SECTION 1. The board of trustees of Downer college, located at Fox Lake, Wisconsin, shall have power to acquire, hold and dispose of real and personal property, for the benefit of said college, not exceeding three million dollars in value, and all property heretofore purchased by or on behalf of said college is hereby declared to be the property of said college, and all gifts and bequests of property heretofore made to said college, or to the Wisconsin female college, which was the name of said Downer college prior to its change by chapter 6, of the laws of 1889, are hereby ratified and confirmed, and all

of such property is hereby declared to be the property of said Downer college.

Trustees may incorporate.

SECTION 2. The trustees of said college are hereby authorized to become incorporated as a body politic under the general statutes of this state, and under the name of the trustees of Downer college, and when so incorporated, said Downer college, shall be deemed to have surrendered its charter, created by any special law of this state, and shall exercise all its powers under the general statutes of this state, and be governed by their provisions, and all property, now owned by or belonging to said Downer college, shall become the property of the trustees of Downer college, when so incorporated under the general statutes of the state, and all actions or causes of action now existing in favor of, or against said Downer college, shall in no wise be affected by such incorporation under the general statutes.

SECTION 3. All acts or parts of acts in conflict with or inconsistent with the provisions of this act, are hereby repealed.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 679, A.] [Published May 3, 1893.

CHAPTER 295.

AN ACT to amend chapter 374, of the laws of Wisconsin of the year 1891, relating to the fees of register of deeds in counties having a population of one hundred and fifty thousand persons or more.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 374, of the laws of Wisconsin of the year A. D. 1891, as published in volume one of the laws of that year, is hereby amended as follows, to-wit: by striking out of

line five of section 2, of said chapter, the words "seven and one-half," and inserting in lieu thereof the word "five," and by striking out of line six of said section the word "three," and inserting in lieu thereof the word "two," and by striking out of line eight of said section the words "thirty-seven and one-half," and inserting in lieu thereof the word "thirty," and by striking out of line nine of said section the word "sixty," and inserting in lieu thereof the word "forty," and by striking out of line twenty in said section the word "five," and inserting in lieu thereof the word "four," and by striking out of line twenty-one in said section the word "twenty," and inserting in lieu thereof the word "fifteen," and by striking out of line twenty-seven in said section the word "forty," and inserting in lieu thereof the word "twenty-five," and by adding at the end of said section the following words: "But in no case shall such register of deeds charge for or receive for recording any release or assignment of mortgage of real estate a sum to exceed thirty cents, and he shall charge for and receive for recording plats containing from one to twenty lots, seven dollars, and for plats containing from one to fifty lots, ten dollars, and for each additional lot five cents," so that the section as amended shall read as follows: Section 2. Every register of deeds of counties, whose population exceeds one hundred and fifty thousand, shall receive the following fees, to-wit: For entering and recording any deed or other instrument, five cents for each folio, and two cents for every necessary entry thereof in the tract index, when kept, but to be at least thirty cents for any deed, and forty cents for any mortgage. For recording any instrument, written in any other than the English language, fifteen cents for each folio. For filing and entering any writ of attachment or copy thereof with the certificate of the officer, or any certificate of sale, or any notice of the pendency of any action containing not more than twenty defendants, twenty cents, and twenty cents for every additional twenty defendants in any such notice. For copies of any records or papers four cents for each folio, and fifteen cents for his certificate. For entry of a discharge of a mort-

gage in the margin of the record, ten cents. For filing every paper and making entry thereof, when necessary, ten cents. For a certified copy of a full record of any marriage, birth or death, twenty-five cents. For examining proofs of marriage, birth or death when presented in the form of affidavits, twenty cents. All the foregoing fees to be payable in advance by the party procuring such services. For registering any marriage, birth or death, twenty cents, and for copy thereof, certified to the secretary of state, seven cents, to be paid by the county, in cases where the certificate or proof of such marirage, birth or death, is presented for registration within one year after its occurrence, but otherwise to be paid by the party procuring the registration. For making his annual statistical return of real estate sales to the secretary of state, six cents per folio to be paid out of the state treasury. For making a new tract index upon the order of the county board, such sum as may be fixed by the county board, not exceeding two cents for each entry, and to be paid from the county treasury, but in no case shall such register of deeds charge for or receive for recording any release or assignment of mortgage of real estate a sum to exceed thirty cents, and he shall charge for and recieve for recording plats containing from one to twenty lots, seven dollars, and for plats containing from one to fifty lots ten dollars, and for each additional lot, five cents.

SECTION 2. This act shall take effect and be in force from and after the first day of January, A. D. 1895.

Approved April 19, 1893.

No. 52, A.] [Published May 5, 1893.

CHAPTER 296.

AN ACT to authorize E. S. Hammond to improve Lost creek in Sawyer county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

E. S. Hammond, et al. authorized to maintain dam heretofore built.

SECTION 1. For the purpose of improving the navigation of Lost creek, in Sawyer county, Wisconsin, for the running and driving of logs and timber down said creek into Lost lake, E. S. Hammond, his associates, heirs or assigns, are hereby authorized to maintain and keep in repair a certain dam on said Lost creek, heretofore built by him, on the northeast quarter of the northeast quarter, of section number seventeen, in township number forty-two north, of range number six west; and are also hereby authorized to make such improvements on said Lost creek as will facilitate a successful drive from the lake, situate on sections eight and nine in township number forty-two north, of range number six west, down said Lost creek into said Lost lake; and all improvements heretofore made by said E. S. Hammond on said Lost creek between said lake situate on sections eight and nine, in township number forty-two north, of range number six west, and said Lost lake, by building a dam and swings on said creek, and removing therefrom stumps, fallen timber, floating bogs, and other obstructions and erecting piers in the said Lost lake, where said creek empties into the same, are hereby legalized.

Improvements heretofore made legalized.

May clear channel.

SECTION 2. For the purpose of further improving the navigation of said Lost creek in said Sawyer county, for the running and driving of logs and timber from said Lost lake into Tea lake, the said E. S. Hammond, his associates, heirs or assigns, are hereby authorized to keep the channel of said Lost creek clear of obstructions, and to erect such booms, piers and other works as may be necessary to facilitate the running and driving of logs and timber from said Lost lake into said Tea lake, and all improve-

ments heretofore made by said E. S. Hammond between said Lost lake and said Tea lake, on said Lost creek, by straightening the channel of said creek and removing therefrom stumps, fallen timber, floating bogs and other obstructions, and the building of piers at the mouth of said creek in said Tea lake, are hereby legalized. Improvements heretofore made legalized.

SECTION 3. Whenever the said E. S. Hammond, his associates, heirs or assigns, shall, with the aid of the improvements heretofore made by them thereon, have so improved said Lost creek, as to render the floating and driving of logs and timber down said creek and through said Lost lake and into said Tea lake, reasonably practicable and certain, and shall maintain and operate the same, so that logs and timber can be floated and driven down said creek and through said Lost lake, and into said Tea lake, with reasonable certainty, on such freshets and with such rise of water as are necessary to float and drive logs in connection with the aforesaid improvements, the said E. S. Hammond, his associates, heirs or asssigns, in consideration of such improvements and the facilities obtained thereby, shall be and hereby is and are authorized to charge, and shall be entitled to collect and receive of any and all persons owning or controlling logs and timber, five cents per thousand feet, board measure, for all logs and timber passing through said Lost creek, between said Lost lake and said Tea lake, as toll on all such logs and timber so designed and intended to be floated or driven down said creek or through said Lost lake, and into said Tea lake. When may charge tolls.

SECTION 4. For all such charges for toll on account of such improvements, the said E. S. Hammond, his associates, heirs or assigns, may and shall have, and the same shall be a lien upon all such logs and timber as may be put into said Lost creek of said Lost lake, to be driven down and out of said Lost creek into said Tea lake, and such liens may be enforced in the same manner in every respect as other liens for labor or services on logs and timber under the general statutes. Tolls to be lien.

SECTION 5. The right to alter or amend or repeal this act is hereby reserved.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 19, 1893.

No. 271, A.] [Published May 5, 1893.

CHAPTER 297.

AN ACT to appropriate to James E. Lounsbury the sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation to James E. Lounsbury.

SECTION 1. Whereas, James E. Lounsbury on the thirteenth day of April, 1874, bought from the state of Wisconsin the east one-half of the northwest quarter of section twelve, township twenty-six north, of range three east, in Marathon county, and paid the state therefor the sum of sixty dollars and fifty cents; and whereas, the title of the state to said land was afterwards declared void, and the said James E. Lounsbury had to, and did, repurchase the same from the original owner on November 9th, 1885: Now, therefore, there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of ninety-one dollars and eighty-nine cents, in full satisfaction of his claim against the state on account of the failure of title to said land, which sum is the original purchase price with one per cent. interest thereon from November 9th, 1885, to April 9th, 1893.

SECTION 2. This act shall take effect and be in force on and after its passage and publication.

Approved April 20, 1893.

No. 67, A.] [Published May 5, 1893.

CHAPTER 298.

AN ACT to extend to incorporated villages the right to acquire real estate without their corporate limits, to be used for public purposes.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

When highway or bridge without corporate limits may be acquired.

SECTION 1. In case any highway or bridge has been heretofore constructed or built outside of, but within three miles of the corporate limits of any incorporated village, by private persons, for the use and benefit of the inhabitants of such village, the village board of such incorporated village may by an ordinance, duly passed, accept and acquire the title to said highway or bridge from such private persons, and may thereafter exercise police powers, make rules and regulations for the government of the same, and be liable for the maintenance and repair thereof in the same manner, and to the same extent, as if such highway or bridge were within the corporate limits of such village. Such highway or bridge, after the title thereof shall have been accepted and acquired by said village as aforesaid, shall be exempt from taxation.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1893.

No. 784, A.] [Published May 5, 1893.

CHAPTER 299.

AN ACT to appropriate a certain sum of money therein named.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for purchase of five copies of S. & B's. Anno. Stats.

SECTION 1. There is hereby appropriated from the treasury, out of any moneys not otherwise appropriated, the sum of sixty-two dollars and fifty cents for the purpose of purchasing five copies of Sanborn and Berryman's Annotated Statutes, in accordance with joint resolution number 69 A.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1893.

No. 786, A.] [Published May 5, 1893.

CHAPTER 300.

AN ACT relating to the compensation of the officiating chaplains of the senate and assembly.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for officiating chaplains of legislature.

SECTION 1. The sum of fifteen dollars is hereby authorized to be paid to each and every clergyman, who has officiated or may hereafter officiate as chaplain of the senate and assembly, for each week of such service, during the session of the legislature for the year 1893; but no payment shall be made for less than four days' service, and only upon the certificate of the chief clerk of the assembly or senate, showing the amount to which each such chaplain is entitled.

SECTION 2. A sum sufficient for the payment of the provisions of this act is hereby appropriated out of the general fund of the state treasury.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1893.

No. 335, S.] [Published May 5, 1893.

CHAPTER 301.

AN ACT to amend section 2, of chapter 33, of the laws of 1893, entitled "An act to create and establish a superior court in and for Douglas county," and re-enacting said chapter 33.

The people of the State of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Section 2, of chapter 33, of the laws of the state of Wisconsin, for the year 1893, is hereby amended by inserting after the word "county," and before the word "and," where the same occur in said section, the words "except murder," so that said section, as amended, shall read as follows: Section 2. Said superior court shall have and may exercise powers and jurisdiction, concurrent and equal with the circuit court of said Douglas county, in all cases of crimes and misdemeanors arising in said county, except murder, and appellate jurisdiction of all crimes and misdemeanors, tried before the judge of the municipal court or justices of the peace in said county, in the same manner as is now provided by law for appeals to the circuit court in such cases. Said superior court shall have exclusive appellate jurisdiction in all cases of appeal from the municipal and justices courts in said county, in all civil actions and in all actions commenced in said courts, where an answer shall be put in showing that the title to lands will come in question, all of which cases shall be certified and all official returns made to said superior court in the

Amends sec. 2, ch. 33, laws of 1893.

Criminal jurisdiction.

Appellate jurisdiction.

Civil jurisdiction.

manner prescribed by law, and said court shall have and exercise powers and jurisdiction in all civil actions and proceedings in law and equity, except as to actions and proceedings under chapter 151, of the Revised Statutes, concurrent with and equal to the jurisdiction of the circuit court of Douglas county when the value of the property in controversy or the amount of money claimed or sought to be recovered after deducting all payments and set-offs shall not exceed five million dollars, and of all actions for divorce and for affirmance or annulment of the marriage contract. The presiding judge thereof shall have and exercise the powers of a circuit judge at chambers as of all actions or proceedings in said superior court.

Powers of presiding judge.

SECTION 2. Chapter 33, of the laws of the state of Wisconsin for the year 1893, is hereby re-enacted as hereby amended.

SECTION 3. This act shall take effect and be in force from and after the date of its passage and publication.

Approved April 20, 1893.

No. 334, S.] [Published May 5, 1893.

CHAPTER 302.

AN ACT to authorize Edward J. Thompson, his heirs or assigns, to build, maintain and operate dams and other improvements across Sand river, in the county of Bayfield, and collect toll for the use of the water stored by said dams for the use thereof.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Edward J. Thompson, et al., authorized to build dams.

SECTION 1. Edward J. Thompson, his heirs or assigns, are hereby authorized to build, maintain and operate a dam or dams across the Sand river, at any point deemed necessary or convenient between the south line, section nine, township fifty, range five west, in Bayfield county,

Wisconsin, and the point where said Sand river flows into Lake Superior on section one, of township fifty-one, of said range five west, for the purpose of equalizing the flow of water in Sand river, in aid of driving logs, ties, timber, telegraph poles and posts down the same, to be stored in the boom at Sand bay, at the mouth of said river.

How constructed.

SECTION 2. Said dam or dams shall be constructed and maintained with suitable sluices for the passage over the same of all logs, ties, timber, telegraph poles and posts destined for points below said dam or dams.

How operated.

SECTION 3. Said Edward J. Thompson, his heirs or assigns, may maintain and operate said dam or dams, so as to regulate the flow of water in said Sand river in such manner as in his or their best judgment will best subserve the purpose specified in section 1, of this act, and shall to that end have the right to store all of the natural flow of the water in said Sand river and to take possession of the said Sand river between the points mentioned in section 1, of this act, for the purpose of improving the same, and the said Edward J. Thompson, his heirs or assigns, are hereby authorized and empowered to clear the river between said points of all obstructions, and to straighten the channels, close sloughs and bayous, and otherwise improve said river between said points; provided, however, that said Edward J. Thompson, his heirs or assigns, shall at all times operate said dam or dams so that any person or corporation owning logs, ties, timber, telegraph poles and posts on said river, and desiring to drive the same, shall have the benefit of the water stored by said dam or dams upon the payment to said Edward J. Thompson, his heirs or assigns, the sum of twenty-five cents per thousand feet, for all logs and timber driven past said dam or dams, and fifty cents per hundred for all ties, telegraph poles and posts driven past said dam or dams, or driven into Sand bay, at the mouth of said river, by aid of said dam or dams, or by the water accumulated thereby.

May charge tolls.

Flowage rights, how acquired.

SECTION 4. Said Edward J. Thompson, his heirs or assigns, for the purpose of acquiring any flowage rights that he or they may deem necessary in carrying out the provisions of this

act, may exercise all powers granted to corporations by section 1777, of the Revised Statutes for 1878, and all acts amendatory thereof.

Tolls to be lien.

SECTION 5. Said charges for the driving of logs, ties, timber, telegraph poles or posts, or the use of the water stored by said dam or dams, shall be a lien at the said prices above stated upon such logs, ties, timber, telegraph poles or posts driven down said stream, whether the same be driven from a point above said dam or dams, or a point below said dam or dams, to said Sand bay. Said Edward J. Thompson, his heirs or assigns, for the purpose of collecting said charges, shall have a lien upon said logs, ties, timber, telegraph poles and posts, the same to be filed and enforced in such manner as liens for labor upon logs and timber, as provided by section 3329, and 3331, Revised Statutes, and acts amendatory thereof.

May build booms.

SECTION 6. Said Edward J. Thompson, his heirs or assigns, may also build and maintain a boom or booms on said river and at a point where the same flows into the Sand bay at the mouth of said river, and in said Sand bay, for the purpose of stopping, holding, securing, sorting and rafting all logs, ties, timber, telegraph poles and posts that may be driven down said stream, and for the purpose of constructing said boom or booms, said Edward J. Thompson, his heirs or assigns, shall have authority to clear the mouth of said river and the said Sand bay of all obstructions of whatever nature.

SECTION 7. The right to amend or repeal this act is hereby reserved.

SECTION 8. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1893.

No. 325, A.] [Published May 5, 1893.

CHAPTER 303.

AN ACT to amend section 2619, of the Revised Statutes, relating to the place of trial of civil actions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends subd. 4 sec. 2619 R. S.

Actions against railroads, where to be tried

SECTION 1. Subdivision fourth, of section 2619, of the Revised Statutes, is hereby amended so as to read as follows: Against railroads. Fourth. Of an action against any railroad corporation, as defined by section 1861, except appeals in condemnation proceedings, in the county where the cause of action arose, or in the county in which the plaintiff resides, if the railroad of such corporation runs into the county where such cause of action arose, or into the county where such plaintiff resides. If the railroad of such corporation does not run into the county where such cause of action arose, nor the county where such plaintiff resides, then such action may be commenced in any county into which the railroad of such corporation runs.

SECTION 2. Any acts or parts of acts conflicting with the provisions of this eighth subdivision of said section 2619, are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1893.

No. 250, S.] [Published May 5, 1893.

CHAPTER 304.

AN ACT to appropriate a sum of money for the purchase of desks and chairs for the assembly chamber and desks for the senate chamber.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Appropriation for purchase of desks and chairs.

SECTION 1. There is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, a sum not exceeding six thousand dollars, for the purchase of desks and chairs for the assembly chamber, and desks for the senate chamber.

SECTION 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1893.

No. 281, S.] [Published May 5, 1893.

CHAPTER 305.

AN ACT to amend section 3, chapter 315, of the laws of 1885, entitled "An act in relation to the instruction of deaf mutes."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 3, ch. 315, laws of 1885.

Appropriation for instruction of deaf mutes.

SECTION 1. Section 3, of chapter 315, laws of 1885, is hereby amended so as to read as follows: Section 3. There shall be paid out of the state treasury in the month of July, in each year, to the treasurer of every incorporated city or village maintaining a school or schools for the instruction of deaf mutes under the charge of one or more teachers of approved qualifications, to be ascertained by the state superintendent of

public instruction, the sum of one hundred twenty-five dollars for each deaf mute pupil instructed in any such school at least nine months during the year next preceding the first day of July, and a share of such sum proportionate to the term of instruction of any such pupil, as shall be so instructed less than nine months during the year.

SECTION 2. This act shall take effect and be in force from and after its passage and publication

Approved April 20, 1893.

No. 785, A.] [Published May 5, 1893

CHAPTER 306.

AN ACT defining the duties of the district attorney of Dunn county in certain cases, and amendatory of chapter 448, laws of 1891, relating to providing for placing fishways in dams in Dunn county, the charters of which require the construction of such fishways.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 448, laws of 1891, is hereby amended by adding at the end of section 3 the following: "It is hereby made the duty of the district attorney of Dunn county, to prosecute for penalties, under the provisions of this act, when directed by the commissioners of fisheries so to do, upon the complaint of either of said commissioners, or of any citizen of Dunn county." Amends ch. 448, laws of 1891. District attorney, when to prosecute.

SECTION 2. This act shall take effect and be in force from and after its passage and publication

Approved April 20, 1893.

No. 49, S.] [Published April 29, 1893.

CHAPTER 307.

AN ACT for the protection of fish in the inland waters, lakes and streams of the state of Wisconsin.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Nets, when and where not to be used.

SECTION 1. No person shall be allowed to set, place or use any gill, fyke, pound, seine, dip or other net, or snare or trap in any of the inland lakes, rivers or streams of the state of Wisconsin, for the purpose of catching fish of any variety; provided, that fish known as white fish may be taken with a dip net between the first day of November and the eighth day of December in each year; provided, however, that the provisions of this section shall not apply to the waters of the Fox river, from the mouth of the Wolf river to the dams at Neenah and Menasha, and lakes Winnebago, Buttes des Morts, Winneconne and Poygan, and the waters of the Fox river, from the dam at De Pere to the mouth of Bass channel, Brown county. The inland lakes, rivers and streams of this state shall be construed as meaning all the waters within the jurisdiction of the state, except lakes Superior and Michigan, Green Bay, and Sturgeon Bay, and lake St. Croix, in St. Croix county. This act shall not prevent the catching of shiners, chubs, dace, suckers, sheeps head, dog fish, garfish, by the use of dip nets at any time of the year, but no dip net shall be used for such purpose in any of the streams of the state containing trout of any variety.

White fish.

To what water section not to apply.

Dip net, for what may be used.

Fish not to be caught during spawning season.

SECTION 2. No person shall be allowed to fish for, catch or kill with any device, nor shall any person sell or offer for sale, or buy, or have in possession, any brook trout, mountain trout, rainbow trout, black, green, mud or Oswego bass, or wall-eyed pike, during the spawning season of such fish. The spawning season or close season shall be construed for brook trout, rainbow trout and mountain trout to be from

the first day of September to the first day of May next succeeding; black, green, mud and Oswego bass and wall-eyed pike from the first day of January to the first day of June in each year.

Dynamite, etc., not to be used.

SECTION 3. No person, except as herein provided for, shall be allowed to catch, kill or take any fish, in any of the inland waters of this state, by means of dynamite or other explosives, or by any other device, except with a hook and line and angling.

Set line not to be used.

SECTION 4. No person shall be allowed to use, in catching fish in any of the inland waters of this state, any set line, and no person shall be allowed to fish through the ice in any of the inland waters of this state with more than one line.

Special laws in conflict not to be in force.

SECTION 5. The provisions of special or local laws relating to any of the lakes or streams in this state, so far as they conflict with the provisions of this act, shall not be in force as to such lakes and streams.

Possession of net, etc., prima facie evidence of use.

SECTION 6. The possession by any person or persons of any net, seine, trap, snare, spear or fish in this act specified, in, upon or on the borders of any of the inland lakes or streams of this state, shall be *prima facie* evidence of the illegal use or possession of such net, seine, trap, snare, spear or fish, and the fishing for, catching or taking of any of the varieties of fish in such lakes or streams, the catching or taking of which is prohibited by law, by any person or persons in whose possession such trap, seine, snare, net, spear or fish is found. Any person violating this section shall be deemed guilty of a misdemeanor and shall be required to pay a fine of not less than five dollars, nor more than ten dollars, together with the costs of prosecution, or in lieu thereof to be confined in the county jail not exceeding thirty days.

Penalty.

Exportation of fish, when unlawful.

SECTION 7. It shall be unlawful for any person or corporation to export fish caught in any of the public waters of this state, to any point, either for consumption or sale, during the time the law prohibits the catching of the same; provided, that nothing in this act shall prevent the shipment of trout raised artificially, or in private hatcheries in the state, and each and every

Shipment of trout raised artificially, how made.

package or box containing trout, before shipment, shall be branded with an iron brand, as follows: "Shipped from the private hatchery of (here insert the name of the hatchery and location);" provided, further, that said stamp shall not be used by any person or corporation for the shipment of trout other than those raised in a private hatchery. Any person or corporation violating any provision of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars, nor more than fifty dollars, for each offense, together with the costs of prosecution, and stand committed in the county jail until such fine and costs are paid, not to exceed ninety days.

Penalty.

Fish warden, etc., to destroy nets, etc.

SECTION 8. Any fish warden, deputy warden, sheriff, deputy sheriff, coroner, constable or police officer, or other person of the state, is hereby authorized to destroy any net, seine, trap, snare, spear or other device which is or has been illegally used. Any person interfering with any of the above officers or persons in the discharge of their duties under these sections shall be deemed guilty of a misdemeanor or resisting arrest, and shall pay a fine of not less than fifty dollars, nor more than one hundred dollars, together with the costs of prosecution, and shall be imprisoned in the county jail until such fine and costs are paid, not to exceed three months.

Penalty for interference.

Deleterious substances not to be cast in rivers, etc.

SECTION 9. No person, association, company or corporation shall throw or deposit or permit to be thrown or deposited any saw dust, lime or other deleterious substance into any of the rivers, lakes or streams of this state, Chequamegon, Green or Sturgeon bay. Any person, association, company or corporation, violating the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be liable to a fine of fifty dollars for each offense, together with the costs of prosecution, and stand committed to the county jail until such fines and costs are paid, not to exceed thirty days for each offense committed in any streams containing fish of any variety.

Penalty.

Possession or transportation of fish during closed season a misdemeanor.

SECTION 10. If any person, persons or corporation shall catch or have in his, or their, or its possession any such trout, or bass, or wall-eyed pike as are described in section 2 of this act, except during the period when such fish can be law-

fully caught, and if any person, corporation, express company or common carrier, shall receive for transportation, or shall transport any such trout or bass, or wall-eyed pike, save and except between such dates as these fish are permitted to be caught, they shall be deemed guilty of a misdemeanor, and upon conviction shall be fined the sum of one dollar for each and every trout, or bass, or wall-eyed pike so caught, had, transferred or attempted to be transferred, together with the costs of prosecution; and such fish shall be declared contraband and sold to the highest bidder, the money so realized from such sale, after paying costs of such sale, shall be paid over to the state treasurer, to be credited to the general fund. Penalty.

SECTION 11. It shall be unlawful for any person or persons to take, catch or kill, at any time, any speckled or brook trout, California or rainbow trout, black, Oswego, strawberry, mud, yellow or green bass, or wall-eyed pike, in any manner whatever, except by hook and line, in any of the inland waters of this state. Any person violating this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of five dollars for each fish so unlawfully taken, together with the costs of prosecution, and stand committed to the county jail until such fine and costs are paid, not to exceed six months. Trout, bass, etc., how to be caught. Penalty.

SECTION 12. Whoever at any time shall take, catch or kill any fish in any stream or water within one hundred feet of any fishway, during the spawning season of fish in such waters, or have in possession or under control any fish so caught, shall be fined not less than five dollars, nor more than ten dollars, or be imprisoned in the county jail not less than five days, nor more than ten days for every fish so caught, taken, killed, had in possession or under control. Fish not to be caught near fishway during spawning season. Penalty.

SECTION 13. Chapter 486, laws of 1889, is hereby repealed. Any person or persons, who shall hereafter or shall have heretofore obtained from the state fish commission any fish for stocking ponds, lakes or streams in the state, must guarantee that said ponds, lakes or streams shall be kept open to fishing by the public, without prosecution for trespass, for a period of not less than ten years Repeals ch. 486, laws of 1889. Ponds, etc. stocked by state fish commission, when to be open to the public.

after the said planting of the fish; provided, that nothing in this act shall be construed to prevent the closing of such ponds, lakes or streams by the state fish commission to the public, so long as there is no fishing upon the ponds, lakes or streams by any person, owner or nonowner of adjoining premises for the purpose of permitting the fish so planted to arrive at maturity, not to exceed three years from date of planting; and no dam or other obstruction shall be placed in said stream to prevent the free course of the fish to any part thereof. Any person violating the provisions of this section, upon conviction thereof, shall pay a fine of not less than twenty-five dollars, nor more than fifty dollars, or be imprisoned in the county jail not more than thirty days.

Penalty.

Fish offal not to be thrown into waters.

SECTION 14. It shall hereafter be unlawful for any person or persons to throw over board from any row, sail, or steamboat, or other craft, or to throw into any of the waters mentioned in this act, or any bays thereof, or streams emptying therein, or Lake Winnebago or tributaries, any fish offal. Fish offal shall be construed to mean the cleanings of fish, such as heads, intestines, blood, or dead fish. Any fisherman coming to the shore with fish in his boat dressed, and having no offal in his boat, shall be deemed *prima facie* guilty of a violation of this section. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five dollars, nor more than ten dollars, and costs, and shall be committed to the county jail until such fine and costs are paid, not to exceed thirty days.

Penalty.

Fishing in Sturgeon Bay.

SECTION 15. The waters of Sturgeon Bay shall be subject to the provisions of this act, so far as applicable, except that no pound, gill or fyke net or seine, or any other net or device for catching or trapping fish will be permitted to be placed therein, except a dip net to be used for the purpose of catching minnows for bait, and gill nets, the meshes of which are not less than four and a half inches, stretch measure; and it shall be unlawful to catch any fish in Sturgeon bay by any other method than is provided in this section. The waters of Sturgeon bay shall

be considered that portion lying south of a line drawn from the extreme southerly point of Sherwood point; said line running east to the shore, terminating in section eighteen, township twenty-eight, range twenty-six east, in Door county; provided, that all the waters of Sawyer's Harbor shall be construed a part of Sturgeon bay.

Contraband fish, what to be; how sued.

SECTION 16. Any fish caught, taken or killed, or had in possession contrary to any provisions of this act, and wihch shall have come into possession of the state game and fish warden, or any of his deputies or representatives, shall be declared contraband, and sold by said officer to the highest bidder, and any one purchasing the same shall have the right to deal therewith the same as if the fish had been caught, taken or killed, or were possessed in accordance with the laws of this state, anything to the contrary notwithstanding; provided, that after the costs of sale, the balance of the proceeds shall be paid into the state treasury, to be credited to the general fund.

Witness may testify without evidence criminating himself.

SECTION 17. In any prosecution or judicial proceeding under the provisions of this law, any participant in any violation thereof may testify as a witness against any other person violating the same, without criminating himself by so doing, nor shall the evidence so given by him be used against him in any criminal proceeding against him for such violation.

Prosecutions, when to be commenced.

SECTION 18. All prosecutions under this act shall be commenced within one year from the time the offense was committed, and may be had in any county in which the offense was committed, or the defendant resides, or is found at the time of instituting the same, before any court having jurisdiction of the offense.

What to be misdemeanor.

SECTION 19. Any person violating the provisions of sections 1, 2, 3, 4 and 15 of, this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be compelled to pay a fine of not less than twenty-five dollars, nor more than fifty dollars, for each offense, together with the costs of prosecution, and shall stand committed to the county jail until such fine and costs are paid, not exceeding sixty days.

Fish public property.

SECTION 20. All fish in the public waters of the state of Wisconsin are hereby declared to be

the property of the state and may be taken for the use of the individual and become his property at any time and in any manner not prohibited by the laws of this state.

Fines, how divided.

SECTION 21. One-half of all fines provided for in this act shall go to the informer, and one-half to the state treasury, to be placed in the school fund thereof.

SECTION 22. All acts or parts of acts interfering with or conflicting with the provisions of this act, are hereby repealed.

When to take effect.

SECTION 23. This act shall take effect and be in force from and after the first day of May, 1893.

Approved April 20, 1893.

No. 100, S.] [Published April 29, 1893.

CHAPTER 308.

AN ACT to regulate the fisheries in Lake Michigan, Lake Superior and Green bay.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

White fish and wall-eyed pike of certain weight not to be sold.

SECTION 1. It shall hereafter be unlawful for any dealer or other person to buy, or for any one to sell or offer to sell, or for any one to have in his possession in this state, or for any one to ship out of this state, any white fish of less than a pound and a half, round or undressed weight, or one pound dressed weight; or any wall-eyed pike of less than a pound in weight, round or undressed. Any dealer or other person violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, and costs, and on a second or subsequent conviction for a similar offense, shall be punished by a fine of not less than one hundred dollars, nor more than two hundred dollars,

Penalty.

and costs, or by imprisonment in the county jail not less than ninety days, nor more than six months, for each offense, or by both such fine and imprisonment.

Nets, what not to be set.

SECTION 2. It shall be unlawful, after the passage of this act, to set in the waters of Lake Superior or Chequamegon bay, any pound, gill or fyke net, of less than three and one-half inch mesh, stretch measure, between the first day of April and the first day of August following. Any person violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than one hundred dollars, and costs, or by imprisonment in the county jail not less than ninety days, nor more than six months, or by both such fine and imprisonment.

Penalty.

Trout eggs and milt to be cast in water.

SECTION 3. Every person fishing for himself, or for another as an employe, shall, while fishing in any of the waters of Lake Michigan, Lake Superior, Chequamegon bay, Green bay and Sturgeon bay, from the twentieth day of October to the first day of November in every year, take the eggs from the female trout while alive, and the milt from the male trout while alive, and after mixing them together in a pail or pan, immediately cast them into the water where such fish were taken. And it is likewise made their duty to pursue the same course as to white fish, from the first to the twenty-fifth day of November in each year. Any person violating the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten dollars, nor more than twenty-five dollars, and costs, and upon conviction for a second and subsequent offense, shall be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, and costs, or by imprisonment in the county jail not to exceed thirty days.

Penalty.

Fish offal not to be thrown in water.

SECTION 4. It shall hereafter be unlawful for any person or persons to throw overboard from any row, sail or steamboat, or other craft, or throw into any of the waters mentioned in the title of this act, or any bays thereof, or streams emptying therein, any fish offal. Fish offal shall be construed to mean the cleanings of fish, such

as heads, intestines, blood, and dead fish. Any fisherman coming to the shore with fish in his boat dressed, and having no offal in his boat, shall be deemed *prima facie* guilty of a violation of this section. Any person violating the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than five dollars, nor more than ten dollars and costs.

Penalty

Duty of fish and game warden.

SECTION 5. It shall be the duty of the state fish and game warden to see that all the provisions of this act are strictly and faithfully complied with, and to aid him in doing so, he is hereby invested with all the necessary power and authority. During the months that the fishermen are engaged in fishing for white fish in any district, it shall be the duty of the warden or his deputy, to devote his time exclusively in performing his duties as herein set forth, and said warden is hereby given authority to examine any packages of salt fish, that he may have reason to suspect may contain any white fish of less weight than is allowed by this act. It is also made a part of his duty, to collect statistics of the fishing industries in the above named waters, in each year, in substantially the form set forth in this section, with such additions to it as his experience may suggest. The blanks for the said forms shall be furnished by the secretary of state, and shall be promptly delivered by said warden to the persons or firms engaged in fishing in the several districts. Each person, having a residence in Wisconsin, engaged in fishing as a business for the whole or a portion of the year, in any of the waters before mentioned, shall, on or before the first day of December in each year, report to the state fish and game warden the amount in pounds of all food fish caught by him during the year, together with the average price per pound, and such other information as the law provides for. Any person neglecting or refusing to make the report provided for in this section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, and costs. The report above referred to shall be in substance in the following form:

Statistics to be collected.

Report to warden of fish caught.

Penalty.

Form.

This report covers the fishing season from .....189...., to.....189..:

Species of fish.	Pounds.	Average price pr. pound	Total amount receiv'd
White fish.....	.....	.....	.....
Trout, lake.....	.....	.....	.....
Herring.....	.....	.....	.....
Bass.....	.....	.....	.....
Perch.....	.....	.....	.....
All other kinds.....	.....	.....	.....

DESCRIPTION OF NETS USED.

Kind.	No.	Value.	Size of Mesh.
Gill.....	.....	.....	.....
Pound.....	.....	.....	.....
Seine.....	.....	.....	.....
Fyke.....	.....	.....	.....

Number of persons employed..... .....

Report of warden to president of commissioners of fisheries.

SECTION 6. On or before the last day of December, in each year, it shall be the duty of the state fish and game warden, to make out and transmit to the president of the commissioners of fisheries of the state of Wisconsin, on blanks to be furnished said warden by the secretary of state, a statement of all labors performed by him in relation to fishways, and the protection of fish and game. The deputy wardens shall report to the state fish and game warden, and he to the president of the commissioners of fisheries, the number of arrests made, the number of prosecutions commenced, the number of convictions secured, and the amount of fines collected, with day and date for same, together with the number of nets seized and destroyed by them, stating kind and value, with such other information as said president of fish commissioners may deem necessary. Such statements and information shall be published with, and as a part of the several reports of said commissioners of fisheries, and such additional pages shall be directed by the secretary of state, to be printed in said commissioners of fisheries' reports, as may be necessary to embody such statements and information in convenient form.

Report of deputies to warden, what to contain.

District attorney to prosecute.

SECTION 7. Upon complaint made in writing under oath, before any magistrate or justice of the peace, charging an offense against the provisions of this act, in his county, it shall be the duty of the district attorney to prosecute the offender; and justices of the peace shall have power throughout their respective counties to hear, try, and determine any violations of the provisions of this act.

Fish warden, etc., to destroy seines, etc.

SECTION 8. Any fish warden, sheriff or deputy sheriff, constable, policeman, or any special officer of this commonwealth, is hereby authorized to destroy any seine, gill net, fyke net, or pound net, or any illegal devices named in any section of this act, when used in violation of any of the provisions of this act.

Division of fines.

SECTION 9. One-half of the fines imposed under any section of this act, shall be for the benefit of the person or persons making the complaint and securing the conviction of the offender, and the other half shall be paid to the state treasurer, to be placed in the general fund.

Fish for artificial propagation.

SECTION 10. The board of fish commissioners, or their authorized agents, may take, at all seasons, and in any way, fish from the public waters for the purpose of artificial propagation.

Previous laws repealed.

SECTION 11. All laws now in force respecting the protection of fish in the waters of Lake Michigan, Lake Superior, Green bay and that portion of the Fox river lying north of the dam at DePere, are hereby repealed.

Gill and dip nets, when and where may be used.

SECTION 12. Nothing in this act shall prohibit the use of gill and dip nets in the lower Fox river, between the dam at DePere and the mouth of said river, between the first day of September and the succeeding fifteenth day of March; the gill nets to have a mesh of not less than four and one-fourth inches stretch measure.

SECTION 13. This act shall take effect and be in force from and after its passage and publication.

Approved April 18, 1893.

No. 306, S.] [Published May 5, 1893.

CHAPTER 309.

AN ACT to alter the boundaries of joint school district number Five, of the towns of Madison, Blooming Grove and Fitchburg, Dane county.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Attaches territory town of Madison for school purposes.

SECTION 1. The following described territory situated in Dane county, commencing five chains and fifty links north of the east and west quarter line of section number twenty-six, town seven north, range nine east, and five chains west of the line between fractional lots one and two, of said section; thence west ten chains; thence north fourteen chains, to the shore of Third lake; thence easterly along the shore of said lake to a point five chains west from the east line of fractional lot number two; thence south thirteen and seventy-five hundredths chains to the place of begininng; and the northwest corner of lot one, section twenty-six, township seven north, range nine east, described as follows: Commencing at the northwest corner of the land deeded by W. Lafayette Smith and Elma H. Smith, his wife, to John Tuhey, December 8, 1880, running thence south along said Tuhey's west line to the center of the Madision and Watercure road; thence west along the center of the Watercure road to within twenty feet of the east line of the land owned by the Chicago and Northwestern Railroad company; thence north and parallel to, and at all points twenty feet distant from, the said line of the land owned by the said Chicago and Northwestern Railroad company, to the shore of lake Monona; thence in a northeasterly direction along the shore of said lake to the place of beginning, is hereby detached from the city of Madison, for school purposes, and is annexed to, and made a part of school district number eleven, of the town of Madison, Dane county.

SECTION 2. This act shall take effect and be in force from and after June 12, 1893.

Approved April 20, 1893.

No. 118, A.] [Published April 24, 1893.

CHAPTER 310.

AN ACT relating to special assessments for grading, paving and improving streets, and the issue of improvement bonds therefor, in cities of twenty thousand inhabitants and upwards.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Extension of payment of assessment of benefits, how made.

SECTION 1. Whenever, in any city having a population of twenty thousand inhabitants or more, the grading, paving or repaving of any street or avenue, with a permanent paving, having a concrete foundation, shall, in any manner, have been duly authorized, and a specification, together with an estimate of the cost of such work, has been prepared and filed, and the necessary assessments of benefits and damages against the several lots, parts of lots or parcels of land, which may be deemed benefited or damaged by the proposed permanent improvement, shall have been made and approved or confirmed, and the contract for such improvement shall have been entered into, the board of public works, or, in the absence of the existence of such board, the common council, is hereby authorized, within two weeks, after the letting of such contract, by resolution to determine that any owner or owners of any lots, parts of lots or parcels of land which may be assessed with benefits on account of such permanent improvement, shall have the option at any time within thirty days after the passage and publication of such resolution to apply for an extension of the payments of such assessments of benefits to his or their property by paying therefor in equal annual installments for such a period as the board of public works or the common council may in such resolution determine, not less than five and not exceeding ten years, the first installment to become due and payable, without interest, immediately after the completion of the first tax sale succeeding the date of the bond hereinafter provided for.

SECTION 2. Any owner or owners of any lots, parts of lots or parcels of land, which may be as-

sessed with benefits on account of any such permanent improvement, may, within thirty days after the passage and publication of such resolution, make application to the board of public works, or, in the absence of the existence of such board, to the city clerk, for the extension of the payment of such assessment of benefits to his or their property, and such application shall contain an agreement that in consideration of the privilege granted by such resolution, he or they will make no objection to any illegality or irregularity in regard to the assessments against his or their property, and will pay the same in equal annual installments, together with interest upon the unpaid balances, at a rate of interest not exceeding six *per centum per annum*, and for such a term of years as in such resolution may have been provided. Such application shall also contain a brief description of the property and that the applicant is the owner thereof. After the expiration of the time within which such application may be made, an assessment list shall be prepared containing a description of each piece of property, the owner or owners of which have agreed to pay for such improvement in installments, showing the amounts chargeable to such property, together with the necessary columns to which the installment assessments shall be extended, showing the amount of each installment and interest, and when payable, and a copy of each such assessment list shall be filed with the city clerk, the city comptroller and the city treasurer. In all cases where such agreement has not been signed within the time limited, the entire assessment shall be payable in the manner and at the time as is now provided for the payments of assessments on account of street or other improvements.

Application for extension, when to be made.

What to contain.

Assessment list to be prepared; what to contain.

SECTION 3. Whenever any contract is entered into for such permanent improvement, such contract shall, in addition to the requirements now provided for by law in such cases, stipulate that the contractor shall receive, to apply in payment of the contract price, street improvement bonds upon or against the several lots, parts of lots or parcels of land, the owner or owners of which have agreed, as hereinbefore provided, to avail themselves of the privilege of paying for such

Contract for improvement to contain agreement to accept bonds in payment.

improvement in equal annual installments; and upon the completion and performance of such contract, the contractor shall receive on account and in payment for his work, said bond or bonds upon or against said several lots, parts of lots or parcels of land, to an amount not exceeding the assessment of benefits against such lots, parts of lots or parcels of land, by reason of such permanent improvement.

Street improvement bonds, when may be issued against lots, etc.

SECTION 4. After the performance and completion of any contract for the grading or the paving and repaving of any street or avenue with a permanent pavement, having a concrete foundation, and in case the owner or owners of any lot, parts of lots or parcels of land fronting or abutting on such street or avenue shall have applied for an extension of time for the payment of assessments as provided in section 2, of this act, the board of public works, or, in the absence of the existence of such board, the city clerk, shall issue bonds against said lots, parts of lots, or parcels of land, for the amounts chargeable against such property, said bonds to be made payable within the time limited in the resolution, which may have been passed in accordance with section 1, of this act. Such bonds shall be designated as "Street Improvement Bonds;" shall bear the name of the street or avenue for which they are issued; shall be made payable to the contractor doing the work, or bearer; shall be made negotiable; shall state the amount of work done by the contractor, the nature thereof, and a description of the property upon which the same is chargeable; shall be issued in the name of the city and countersigned by its comptroller, but neither the city nor any officer thereof shall become liable or holden for any part thereof, either principal or interest, excepting for so much as has been actually collected by the city treasurer for the payment of such part of the improvement for which such bonds have been issued. Such bonds shall bear interest at a rate not exceeding six *per centum per annum*, from and after the first day of February succeeding the date of issue, and shall have attached thereto coupons, each in amount equal to the annual payment due on such bond, together with the accrued interest. Said coupons

Bonds, form of.

Rate of interest.

and bonds shall be payable at the office of the city treasurer, immediately after the completion of the tax collection each year to the extent of the moneys received by him on account of the improvements for which such bonds have been issued. Said bonds shall be a first lien against any lots, parts of lots, or parcels of land, and in case of failure of the payment of any installment or interest thereon, when the same becomes due, the whole amount of such bond, together with the interest chargeable against any such lot, parts of lots or parcels of land, the owner or owners of which has failed to pay the annual assessment or interest, shall, at the election of the holder of such bond, to be exercised within thirty days after such default, forthwith become due and payable and may be recovered in any court of competent jurisdiction, as mortgages are foreclosed, recovering a reasonable attorney's fee and costs. The owner or owners of any lots, parts of lots or parcels of land upon which bonds are issued, may at any time pay to the city treasurer the entire unpaid assessment and accrued interest, and receive a release of the lien and assessment against his property by paying to the city treasurer, in addition to said assessment and accrued interest, interest on said bonds for the period of three months after such payment of the assessment. The issuance of said bonds shall be conclusive evidence of the regularity of all previous proceedings and the validity of said lien. No error or irregularity upon the part of any taxing or other officer in connection with the making of such assessments or issue of such bonds, not going to the substantial justice of the case, shall invalidate said bonds.

Bonds to be first lien; when may be foreclosed.

Assessment may be paid at any time.

SECTION 5. The proper city official shall, in preparing the annual tax roll, enter the amount of the annual installment assessment, together with the accrued interest, against the several pieces of property on said tax roll according to the assessment list prepared and filed in the office of the city clerk for the term of years that such installment assessment list may cover, and until the entire amount chargeable to such property on account of the permanent pavement improvement, and the interest thereon, shall have been taxed and levied against such property; and such assessment shall be collectable by the city

Annual installment assessment to be entered on tax roll.

treasurer, as other taxes are collected by him. The city treasurer shall keep a separate account of the funds arising from the collection of such installment assessments and interest, and such funds shall not be diverted to the payment of any other improvement than that for which the same were collected, and he shall enter upon each assessment list, in its proper column and place, such amounts as have been paid, and such lists shall be open to the public for examination. As soon as the coupons or bonds shall have been paid by the city treasurer, he shall cancel the same and turn them over to the city comptroller, by whom they shall be kept on file.

Treasurer to keep separate account.

Property fronting on street, when to be exempt from assessment.

SECTION 6. No property fronting on any street or avenue shall be exempt from any assessment of benefits on account of the paving of such street or avenue with a permanent pavement having a concrete foundation, until such property shall have paid in the aggregate in assessments for street pavements in front thereof, the sum of three dollars per square yard for all that part of the roadway directly in front of or abutting such property, and lying between the curb line and the center of such roadway of said street. Where any property has paid less than said amount it shall be liable for any difference up to the amount of three dollars.

SECTION 7. All acts or parts of acts which are inconsistent with this act, or not in harmony with its provisions and operation, are hereby declared to be modified, amended, superseded or repealed in so far as they interfere or are at variance with the true intent, meaning and operation of this act. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1893.

No. 303, A.] [Published April 24, 1893.

CHAPTER 311.

AN ACT to authorize cities operating under special charters, granted by the legislature of this state and containing a population of three thousand or more inhabitants, to issue corporate bonds, for certain purposes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. The common council of any city incorporated by and operating under a special charter granted by the legislature of this state, containing a population of three thousand inhabitants or more, as shown by the last state or national census, is hereby authorized to issue corporate bonds, payable in lawful money of the United States within twenty years from their issue, bearing interest payable annually or semi-annually at a rate not exceeding six per cent. *per annum*, for the following purposes: May issue corporate bonds.

1. For the erection and construction of a city hall and the purchase of a site for the same. City hall.

2. For the construction and extension of waterworks, or the purchase of the same, and for constructing sewers, and for the improvement and maintenance of the same. Waterworks and sewers.

3. For the erection, construction and completion of school buildings, and the purchase of school sites. School building.

4. For the purchase of sites for engine houses, for fire engines and other equipments of the fire department, and for the construction of engine houses. Engine houses and equipment

5. For the purchase of sites for police stations, and for the construction of buildings thereon for the use of the police department. Police station.

6. For the construction of viaducts, bridges, and for repairs of the same. Viaducts and bridges.

7. For the erection and construction of library and museum buildings, and the purchase of sites for the same. Library and museum buildings.

8. For the establishment of public baths and hospitals, and the purchase of sites for the same. Public bath and hospitals.

Public parks.

9. For the purchase of lands for public parks and improvements thereof, and for the payment of purchase money and interest thereon which may be or become due for park lands already acquired or contracted for.

Improving streets

10. For permanently improving streets in such city and for creating a fund out of which to advance the cost of repairs to sidewalks, in anticipation of the collection of special assessments for such cost of repairs by the treasurer of such city.

Electric and gas light plants.

11. For the construction or purchase of electric or gaslight plants for lighting streets and public buildings.

Refunding indebtedness.

12. For refunding existing indebtedness.

Ordinance authorizing bonds to be adopted by three fourths vote.

SECTION 2. No bonds shall be issued under the provisions of this act, and no contract shall be entered into or obligation incurred by any such city in contemplation of the issue of such bonds in the future, unless such contract or obligation and the issue of such bonds for the payment of the same shall have been authorized by ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect, said vote to be at a regular meeting of such common council, not less than one week after the proposed ordinance shall have been published in the official paper of such city; and provided, that no such bonds shall be issued so that the amount thereof, together with all the other indebtedness of such city, shall exceed five per cent. of the assessed valuation of such city at the last assessment for state and county taxes previous to the incurring of such indebtedness.

Ordinance to be published.

Limitation of indebtedness.

Bonds, execution and disposal of.

SECTION 3. Bonds issued under the authority of this act shall be executed and disposed of in the manner provided by the charter of the city issuing the same, and where the charter shall fail to provide such manner, the common council of the city authorizing the issue of such bonds shall, by ordinance, provide the manner in which the same shall be executed and disposed of. In all cases, however, all such bonds shall bear an appropriate name, indicating the purpose of their issue, and shall be consecutively numbered, and shall have interest coupons attached, and shall show on their face the amount of indebtedness of

Bonds, what to show.

the city issuing the same, the annual amount of the assessment of the taxable property therein for the five years next preceding the issue, and the average amount thereof, and shall not be sold for less than their par value and accrued interest.

Powers of common council.

SECTION 4. The common council of any city included in this act is hereby empowered to provide for the purchase of the real and personal property, and for the construction of the buildings mentioned in the first section of this act, and to determine the amount of the appropriation necessary therefor, and for the purpose of entering into any contract or contracts for such purchase or construction, the amount of bonds issued or to be issued for that purpose shall be treated as cash on hand; but no such power shall be exercised, or contract entered with or obligation incurred by the common council of any such city except by ordinance adopted as prescribed in section 2, of this act.

Tax to pay bonds, how to be levied.

SECTION 5. The common council of any city, having issued bonds authorized by this act, shall annually levy a tax upon all the taxable property within such city, sufficient to pay the annual interest thereon, and to provide a sinking fund each year equal to five per cent. on the principal of said bonds for the payment of said bonds.

SECTION 6. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1893.

No. 183, S.] [Published May 10, 1893.

CHAPTER 312.

AN ACT to amend chapter 326, of the general laws of 1889, entitled "An act dividing cities into classes, and providing for their incorporation and government."

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Amends sec. 1, ch. 326, laws of 1889.

Cities divided into four classes.

SECTION 1. Section 1, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 1. For the exercise of the corporate powers herein mentioned, the cities of the state of Wisconsin now existing, or that may be created under the provisions of this act, shall be divided into classes as follows: Cities containing a population of one hundred and fifty thousand or over, shall constitute the first class. Cities containing a population of forty thousand or over, and under one hundred and fifty thousand, shall constitute the second class. Cities containing ten thousand or over, and under forty thousand, shall constitute the third class. Cities containing less than ten thousand shall constitute the fourth class. The population, as affecting the class to which any city shall belong under this act, shall be determined by the last national or state census, unless a census is taken under the direction of the trustees of the village seeking to be incorporated as a city under the provisions of this act, or of the common council of any city, now incorporated, seeking to adopt the provisions of this act for its government. Any city incorporated under this act, shall pass from one class to another, when it has sufficient population, and the common council shall by ordinance or resolution make publication thereof, and make proper provisions for such change in the city government.

Population, how determined.

City jointly indebted with town, how may elect to fix proportion.

SECTION 1a. Whenever the common council of any city now incorporated under a special charter shall have adopted for its government, and a patent shall have been issued as hereinbefore provided, if said city, prior to such adoption of

this act, shall have been indebted jointly with the town in which said city is situated, the liabilities for its proportionate share of the indebtedness shall continue as heretofore; but the common council may, by ordinance of resolution, elect to fix the amount of said city's share of such indebtedness. Notice of such election shall be given by the mayor to the town board, and in case commissioners of such debt shall heretofore have been created, to said commissioners; said town board and commissioners, if any, shall meet with said common council at a time and place to be fixed by said notice, and shall proceed to apportion the amount of the share of such indebtedness which said cities and said towns shall pay their apportionment, and shall be based upon, and be in the same porportion, as the total assessed valuation of such city and town, for the year next preceding, and said city and said town shall thereafter provide separately for the payment of its share of said indebtedness. In like manner, said town and city may make an equitable division of such property owned by such town and city jointly; but until such division shall be made, such property may be used and maintained, jointly, by said city and town.

Notice of election, how given; apportionment, how made.

SECTION 2. Section 7, chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 7. Any district containing a population of two thousand or over, and not heretofore incorporated as a city, may become incorporated under this act in the manner heretofore specified.

Amends sec. 7. What districts may incorporate.

SECTION 3. Section 8, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 8. One hundred or more electors and taxpayers of any village, incorporated or unincorporated, under the laws of this state, may apply, by petition, to the trustees of such village or to the proper town board of supervisors, to have the question of incorporating said village, or the same and adjacent territory, containing a population of not less than two thousand, as a city, submitted to a vote of the electors of the territory described in such petition; provided, that in case it is proposed to include territory adjacent to such village, the consent, in writing,

Amends sec. 8. Petition for incorporation.

of a majority of the electors residing therein, and the owners of at least one-third of the taxable property in such territory, according to the last assessment roll, shall be presented with said petition.

Amends sec. 9. Trustees may provide for submitting to vote.

SECTION 4. Section 9, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 9. At any regular meeting after the filing of said petition, the trustees of such village or town board of supervisors of such town, may, by resolution, provide that the question of incorporating such city in accordance with such petition be submitted to a vote of the electors residing within the limits of said proposed city.

Resolutions of trustees; what to determine.

Such resolution shall determine the number and boundaries of wards into which said proposed city shall be divided; shall fix the time of voting on the proposition for incorporation, which time shall not be earlier than six weeks from the adoption of such resolution, and shall specify where the electors residing outside the limits of said village shall vote. Said resolution shall also provide for a census to be taken, unless it is proposed to have the city classified according to the last census taken under the laws of the United States, or the state of Wisconsin. Said census, if ordered, shall be taken as provided by law for taking the census in cases of the incorporation of villages under the laws of this state.

Amends sec. 12. Result of election, to whom returned; clerk to certify to secretary of state; protest.

SECTION 5. Section 12, chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 12. The result of the election as canvassed by the inspectors shall be returned to the clerk of such village, if it be incorporated, and otherwise to the clerk of such town. If a majority of the votes are cast in favor of the city charter, said clerk shall certify the fact to the secretary of state, together with the result of the census taken under the authority of the trustees, if any such has been taken, and thereupon a patent shall be issued as provided in section 5, of this act which shall specify the number and boundaries of such city.

Amends sec. 13 Patent to be recorded; city to be body corporate; powers

SECTION 6. Section 13, chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 13. Any patent issued under the provisions of this act, shall be recorded in the office of the secretary of state, in a book to

be kept for that purpose. Thereupon the city mentioned in such patent shall be a body corporate and politic, with perpetual succession, possessing the powers and privileges of a municipal corporation at common law, in addition to those conferred by this act; and shall have authority to contract and be contracted with, to sue and be sued, to plead and be impleaded, to purchase or otherwise acquire real and personal property, and to dispose of the same as the welfare and convenience of its inhabitants may require; and shall have a common seal and may alter the same at pleasure. Any patent issued and recorded in the manner herein provided, the record thereof, or a certified copy of such record, shall be conclusive evidence in all courts and places of the due corporation of the city mentioned in said patent, and of all the facts therein recited.

Incorporation, what sufficient evidence of

SECTION 7. Section 14, chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 14. The number and boundaries of wards of any city, organized under the provisions of this act, may be changed by ordinance when the same shall be adopted by a vote of at least three-fourths of all the members of the common council; provided, said ordinance must be introduced at a regular meeting of the council in May, and before final action is taken thereon, the same shall be published in the official paper of the city, once in each week, for four successive weeks, and when the boundaries of any wards are fixed by any ordinance, the number of wards in the city and boundaries thereof, or of any of said wards, shall not be again changed for a period of two years, except by adding thereto such territory, as may at any time be added to the city limits; and provided further, that the territory of the wards shall be contiguous and compact, and that no ward having a population of less than two thousand shall be created in the cities of the first class, or less than fifteen hundred in cities of the second class, or less than one thousand in cities of the third class, or less than five hundred in cities of the fourth class.

Amends sec. 1.

Wards, how changed.

Territory to be contiguous; population required.

SECTION 8. Section 15, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 15. Such city shall be deemed fully in-

Amends sec. 15

Village or town board to act until meeting of common council.

corporated from and after the issue of the patent as aforesaid, by the governor, but the village or town board, and all other officers of such village or town embracing the territory incorporated, within the limits of said city, shall continue to exercise the powers, and perform the duties of such officers, as defined by the general statutes relating to villages, until the first meeting of the common council at which a quorum is present. Until a city clerk shall have been chosen, and shall have qualified, all oaths of office and other papers shall be filed with the village or town clerk. When the city clerk shall have qualified, such village or town clerk shall deliver to the city clerk all proper records, papers and files in his office, belonging to the city clerk, who shall thereupon become the legal custodian of the same.

Records, etc., to be delivered to city clerk.

Amends sec. 16

SECTION 9. Section 16, of chapter 326, laws of 1889, is hereby amended so as to read as follows:

Municipal election, when and how held.

Section 16. Within ten days after the incorporation of any city under this act, the village board of the village, or the town board of supervisors, having thus become incorporated, shall fix a time for the first municipal election, and designate the place or places where the same shall be held, and appoint three inspectors of election for each polling place. The polls of such election shall be opened at six o'clock, A. M., and closed at five o'clock, P. M.; ten days previous notice of the time and place of election, and of the officers to be elected, shall be given by the proper village or town clerk, by publication in some newspaper in the county, if there be one, and by posting written or printed notices in three public places in said proposed city. In all other respects, such elections shall be conducted as is prescribed by the general law, except that no registration of voters shall be required, provided; however, that the failure to give such notice shall in no way invalidate said election. At the close of such election, the inspectors shall count the ballots and make returns thereof, stating therein the number of votes for each office, and shall deliver such returns to the village or town clerk, who shall lay the same before the village or town board. The village or town board shall meet within one week after such election, and can-

Notice of election, how given.

Ballots, counting and return of.

Canvass of returns.

vass said returns, and declare the result, and the village or town clerk shall notify the persons elected to the respective offices, and issue the proper certificates of such election. All officers chosen at such election, or appointed by the mayor elect, except justices of the peace and aldermen, shall hold for a term ending on the third Tuesday of April next following, and until their successors are elected and qualified; provided, however, that in case the first Tuesday in April shall be fixed as the time of the first election, the term of office of the several officers chosen shall commence on the third Tuesday of April succeeding, and continue as otherwise provided for in this act. Terms of officers.

SECTION 10. Section 20, chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 20. A vote of three-fourths of all the members of said council in favor of said ordinance taken by ayes and noes, and recorded, shall be necessary to its adoption. Any controversy that may arise between the city and the town or towns, from which such territory is detached, in respect to the division of property, or the adjustment of existing indebtedness, shall be determined by the circuit court in a proper proceeding brought for that purpose. Amends sec. 20. Vote required for adoption. Controversy, how determined.

SECTION 10a. Chapter 4, of chapter 326, of the laws of 1889, is hereby amended by adding after section 21, in said chapter, section 21a, which shall read as follows: Section 21a. Upon the petition of a majority of the electors and property owners, owning three-fourths of the taxable real estate, according to the last tax roll, within the corporate limits of a city of the first, second, third or fourth class, whether incorporated under the provisions of this act or by special charter, and which said taxable property is adjacent to the boundary lines of any such city, the common council may, by a vote of three-fourths of its members, submit to the electors of such city the question of detaching such real estate from such city, and in case a majority of the electors resident in such city vote in favor of such proposition, then and thereafter the said property shall be detached, and attached to the town or towns to which the same, by reason thereof, becomes, annexed and taxable therein. Enacts sec. 21a. Real estate, how may be detached from city.

Amends sec. 23

SECTION 11. Section 23, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 23. The officers of cities of the second, third and fourth classes shall be a mayor, two aldermen and one supervisor from each ward, a city treasurer, city clerk, comptroller, city attorney, city assessor, city engineer, chief of police, ~~two justices of the peace,~~ a city physician, a street commissioner, a chief of the fire department, a board of public works, a board of school commissioners, one or more policemen, and such other officers or boards as the common council may deem necessary; (provided, the common council, by a two-thirds vote, may dispense with the office of street commissioner, city engineer, comptroller, and board of public works, and provide that the duties of such officer or board be performed by other officers or boards of said city, or by the common council, or by a committee thereof.)

Officers of cities of second, third and fourth classes.

Amends sec. 24

SECTION 12. Section 24, of chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 24. The annual municipal election in all cities shall be held on the first Tuesday in April of each year, at such place or places, as the common council shall designate. The polls at such election shall be opened at six o'clock, A. M., and close at five o'clock, P. M.; ten days previous notice of the time and place of such election and of the officers to be elected shall be given by the city clerk by publication in the official newspaper of such city, and by posting written or printed notices in three public places; but the failure to give such notice shall not invalidate such election. In all other respects such election shall be conducted as prescribed by the general law, except that no registration of voters shall be required, unless provided for by ordinance.

Annual municipal election.

Notice of.

How conducted.

Amends sec. 25

SECTION 13. Section 25, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 25. The mayor, city treasurer, comptroller, assessor, aldermen, justices of the peace, and supervisors shall be elected by the people. The other officers may be appointed by the mayor, or elected by the common council, as shall be determined by ordinance; provided, that, in case any such officer, except policemen shall

Officers; what to be elected and what appointed.

be appointed by the mayor, such appointment shall be subject to confirmation by the common council.

Amends sec. 26

SECTION 14. Section 26, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 26. All officers shall hold their offices respectively for the term of one year, and until their successors are elected or appointed and qualified, unless the common council shall by ordinance provide a longer term for said officers, or any of them, or unless a different term of office is expressly provided in this act.

Terms of office.

Amends sec. 28

SECTION 15. Section 28, chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 28. The term of office of the mayor and aldermen shall commence upon the third Tuesday of April, succeeding their election and qualification. The terms of all other officers shall commence on the first day of May succeeding their election or appointment, unless otherwise provided by ordinance, and they shall hold for such term as has been provided for each respectively, and until their respective successors are elected or appointed and qualified.

Terms of office, when to commence.

Amends sec. 30

SECTION 16. Section 30, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 30. The common council shall by ordinance provide such salary or compensation for the officers and employes of the city, as it shall deem proper. It shall, at the first regular meeting in February, fix the amount of salary which shall be received by every city officer entitled to a salary, who may be elected or appointed in the city during the ensuing year, which salary shall not be increased or diminished during the term of office, for which such officer shall be elected or appointed; the salary shall be paid out of the city treasury monthly at the end of each month. All salaries, the amounts whereof have been heretofore fixed by the common council, or heretofore established by law, shall be and remain the salaries of such officers, until the common ceuncil shall otherwise provide; provided, however, that where any new city shall have been incorporated and officers thereof elected or appointed, the common council shall have power at any regular meeting of such common council, during the term of office of such officer,

Salaries of officers, etc.; common council to fix.

so elected or appointed, to declare and fix the amount of compensation that such officer shall receive.

Amends sec. 31 SECTION 17. Section 31, of chapter 326, laws of 1889, is hereby amended so as to read as follows:

Office, when deemed vacant Section 31. When any officer elected or appointed shall remove from the city, or when any officer elected or appointed in any ward of the city shall remove from such ward, or when any such officer shall refuse or neglect, for ten days after official notification of his election or appointment, to qualify and enter upon the discharge of the duties of his office, the office shall

How filled be deemed vacant; and whenever a vacancy shall occur in any office, where the officer was elected by the people, the vacancy shall be filled by appointment, by the mayor, such appointment to be confirmed by the common council; and whenever a vacancy shall occur in any office to be filled by appointment, the same proceedings shall be had to fill such vacancy as are provided for in case of an appointment in the first instance.

Amends sec. 36. SECTION 18. Section 36, of chapter 326, laws of 1889, is hereby amended so as to read as follows:

Removal of officers; procedure. Section 36. Every officer elected or appointed to any office, may be removed from such office by a vote of three-fourths of all the members of the common coucil; but no such officer shall be removed except for cause, nor unless charges are preferred against him and an opportunity given him to be heard in his own defense. The common council shall have power to compel the attendance of witnesses and the production of papers when necessary for the purpose of such hearing, and shall proceed, within ten days to hear and

Mayor may suspend. determine the case upon the merits thereof. The mayor may suspend any officer against whom charges have been preferred, until the disposition of the same, and may appoint an officer to fill the vacancy temporarily, until the charges have been disposed of. Any officer appointed by the mayor without confirmation, under the provisions of this act, may be removed by the mayor when he deems it for the best interests of the city.

Amends sec. 38. SECTION 19. Section 38, of chapter 326, laws of 1889, is hereby amended so as to read as follows:

Section 38. In cities of the second, third and fourth classes, the mayor shall be the chief ex-

ecutive officer, the head of the fire department, and of the police department of the city; he shall take care that the laws of the state and the ordinances of the city are observed and enforced, and that all of the officers of the city discharge their respective duties. He shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. When present, he shall preside at the meetings of the common council; he shall sign all agreements, contracts, licenses and permits, granted by such common council, and approve or otherwise act upon all claims allowed by such council; he shall appoint all policemen, and may, in case of a riot and other emergency, appoint as many special policemen as may be necessary. He shall have the veto power. Should he refuse to approve any ordinance, rule, regulation, claim or resolution appropriating money, or creating a debt or liability, he shall file with the city clerk his objections in writing within five days after such ordinance, rule, regulation, claim or resolution is submitted to him for his approval; such objections to be presented to the common council at its next meeting. If, upon the return of such veto message, three-fourths of all the members of the common council vote for the passage of such ordinance, rule, regulation, claim or resolution, the same shall be considered legally passed, notwithstanding the objections of the mayor.

Powers and duties of mayor in cities of the second, third and fourth classes.

Veto power.

Passage notwithstanding veto.

SECTION 20. Section 41, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 41. The city clerk shall have the care and custody of the corporate seal and all papers and records of the city. It shall be his duty to attend all meetings of the common council, and to keep a full record of their proceedings; to record all ordinances and bonds in a book to be kept for that purpose; to keep a record of all licenses granted, which record shall, at all reasonable times, be open to inspection by the public, to carefully preserve all receipts filed with him, and to draw and sign all orders upon the treasury, except as otherwise herein provided, in pursuance of an order or resolution of the common council, and shall keep a full and correct account thereof in books provided for that pur-

Amends sec. 41.

City clerk, power and duties.

pose. He shall have such power and authority, and perform such duties, as clerks of cities and villages may be required to perform under the general laws of the state. He shall keep an accurate account with the treasurer, and charge him with all tax lists presented by him for collection, and all sums of money paid into the treasury. In cities of the second, third and fourth classes, he shall be *ex-officio* secretary of the board of public works and board of school commissioners, and shall perform such other duties as shall be required of him by the common council. Within thirty days after the close of each fiscal year, he shall make and cause to be published in the official papers of the city a financial statement showing the receipts and disbursements on account of each fund during the last preceding financial year. Copies of any and all books, papers, documents or instruments duly filed and kept in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal of the city, shall be evidence in all courts and places, in like manner and with the same force and effect as if the originals were produced. He shall also have power to administer oaths and affirmations authorized to be taken by and under the laws of the state. Every such clerk may appoint a deputy, in writing, and shall file such appointment in his office, and such deputy clerk shall aid in the performance of the duties of such clerk, under his direction, and in case of his absence or disability, or of a vacancy in his office, shall perform all the duties of such clerk during such absence or of a vacancy in his office, shall perform all the duties of such clerk, during such absence or until such vacancy shall be filled; and every such clerk and his sureties shall be liable upon his official bond for the acts of such deputy.

Financial statement.

Deputy clerk.

Amends sec. 43.

City treasurer, powers and duties.

SECTION 21. Section 43, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 43. The city treasurer shall collect all city, county and state taxes, and shall receive all moneys belonging to the city, keep an accurate account of the same in suitable books prepared for that purpose, and shall pay over the money in his hands according to law. He shall keep a

detailed account of the money received and disbursed by him in such manner as the common council shall direct; his books shall, at all reasonable times, be open to inspection by any voter of the city. He shall make a report to the common council each month, and as much oftener as required, which report shall embrace a statement of the receipts and disbursements in his office, and ten days preceeding every annual election he shall make out and file in the city clerk's office a full and minute report of all the moneys received and disbursed by him, of all tax certificates, vouchers and other effects of pecuniary value in his possession, and of all other transactions relating to his office from the date of the like report of his predecessor to the date of the report required to be made out by him. He shall keep an accurate account of each of the seperate funds in his custody. Except as herein and otherwise provided, he shall have such power and authority, and perform such duties, as treasurers in villages and towns are required to perform under the general laws of the state. He shall receive no fees or *per diem* except the salary fixed by the common council prior to his election, but all fees collected by him shall be paid into the city treasury at the end of each month.

Monthly report.

To receive no fees.

SECTION 22. Section 44, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 44. In cities of the first class the comptroller shall, on or before the first day of October of each year, make to the common council a detailed statement of the expenses of the city and the several wards thereof, during the last fiscal year, and such report shall also contain a statement of the estimated expenses of the current fiscal year, as the same has been prepared by the common council, and an estimate of the probable income of the city for that year from sources other than taxation. He shall examine all estimates of public work to be done, made by the board of public works, and all contracts made by them, and shall countersign the same if they are legal, and if the necessary funds shall have been provided for the proposed work, and no such contract shall be valid until so countersigned. He shall keep a list of all certificates,

Amends sec. 44.

Comptroller, powers and duties of, in cities of first class.

for the payment of which special taxes are to be levied, and shall make out and file with the city clerk a list of all the special taxes to be levied each year in time for its insertion in the tax roll, in the form of a schedule of special taxes, and shall certify the correctness of the same, and such certified schedule shall be *prima facie* evidence of the legality and regularity of the special taxes levied in pursuance thereof. He shall report monthly to the common council the condition of the several funds of the city, and a statement of all outstanding contracts and claims which will be payable out of each fund. All claims and demands against the city, founded on contract, shall be audited and adjusted by the comptroller, and he shall make a monthly statement to the common council of such claims so audited and adjusted by him, and no such claim shall be allowed by the council, until it shall have been so certified. He shall examine and countersign all city orders before the same shall be valid. He shall have power to administer oaths, and to take testimony as to any questions which it may be his duty to decide. He shall keep a record of all his acts and doings, which shall be open to the inspection of all parties. He may appoint a deputy, for whose action he shall be responsible, and such deputy may act for his principal during his sickness or absence.

Monthly report.

Deputy.

Amends sec. 45.

SECTION 23. Section 45, of chapter 326, laws of 1889, is hereby amended so as to read as follows:

Powers and duties of in other cities.

Section 45. In all other cities the comptroller shall, on or before the first day of October in each year, file with the city clerk a detailed statement of the expenses of the city, and the wards thereof, during the last fiscal year, and such statement shall also contain a statement of the estimated expenses of the fiscal year, and the income of the city for that year from sources other than from taxation. He shall countersign all contracts made with the city, if the necessary funds shall have been provided to pay the liability that may be incurred against the city under such contracts, and no such contract shall be valid until so countersigned. He shall make a list of all certificates for the payment of which special taxes are to be levied in each year, in time for the

same to be inserted in the tax roll, in the form of a schedule of special taxes, and shall certify the correctness of the same, and such certified schedule shall be *prima facie* evidence of the legality and regularity of the special taxes levied in pursuance thereof; but no irregularity in the making of such list shall invalidate such special tax. He shall report monthly to the common council in writing, the condition of the several funds of the city, and of the condition of all outstanding contracts and claims which may be payable out of each fund. He shall examine and countersign all city orders before the same shall be valid, but shall not countersign such orders before the money is in the treasury to pay the same. He shall examine all claims presented against the city, whether founded on contract or otherwise, and determine as to each claim whether the same is properly itemized and sworn to; if on contract, whether the items charged are correct, whether such claim was incurred by proper authority, and generally determine the correctness of such claim. For the above purposes he shall have power to swear witnesses and take testimony. If he does not find any objection to the claim, he shall mark his approval thereon; if he disapproves, or approves in part and disapproves in part, he shall report his reasons therefor, and in all cases he shall report the evidence taken by him. No claim shall be considered by the council or reported to a committee, till it shall have been thus examined and reported on by the comptroller. He shall examine each month the treasurer's accounts as reported by him and kept by such treasurer, and report as to the correctness of the same, and also any violation of the treasurer of his duties in the manner of keeping his accounts or disbursing the moneys of the city. The comptroller shall procure a claim book at the expense of the city, in which all claims against the city shall be entered as fast as the same are filed. Said claim book shall be provided with an index and shall be in such form, as to provide for the entry of the name of the claimant, number of claim, when filed, amount claimed, date of the report of the comptroller, whether approved and for how much,

Monthly report.

Claims.

Treasurers' accounts.

date of allowance or disallowance by the council, amount allowed, date of the order issued to pay the same, number of such order, and date of cancellation of the same. The comptroller shall perform the duties of a member of the board of public works, and such other duties as are required of him under the provisions of this act, or by the common council. In case the office of comptroller is dispensed with, the duties pertaining thereto shall be discharged by such officer or officers, or board, as the common council shall designate by resolution or ordinance.

Amends sec. 49. Common council; style of ordinances.

SECTION 24. Section 49, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 49. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of.....do ordain as follows:"

Amends sec. 52.

SECTION 25. Subdivision 56, of section 52, of chapter 326, of the laws of 1889, is hereby

Bridges, construction of.

amended so as to read as follows: 56. Exclusively to erect and construct, or to permit, cause or procure to be erected and constructed, float, pivot or draw bridges over the navigable or other waters within the jurisdiction of the city, and to keep the same in repair, and regulate the use thereof; said bridges to have draws of suitable width when necessary for the purpose of navigation.

Amends sec. 56.

SECTION 26. Section 56, chapter 326, of the

Judgment, how entered.

laws of 1889, is hereby amended as follows: Section 56. In case of convictions in actions, brought or prosecuted to recover a penalty under any of the provisions of this act, or to recover a penalty or forfeiture, or to impose a punishment for a violation of any of the ordinances, regulations or by-laws of such city, the court shall enter judgment for such fine, penalty or forfeiture, together with the costs of prosecution against the defendant; and shall also enter a judgment, that such defendant be imprisoned in the county jail, city jail, or house of correction, until such judgment be paid, not exceeding, however, the term of six months, and shall forthwith commit the defendant accordingly. In cases where the defendant is adjudged to be punished by imprisonment, the court shall also render judgment that such defendant pay the costs of

prosecution, and that he be held in imprisonment until such costs are paid; but the court shall limit such additional term of imprisonment in its discretion, in no case, however, to exceed six months.

Amends sec. 58.

SECTION 27. Section 58, of chapter 326, laws of 1889, is hereby amended so as to read as follows; Section 58. No action shall be maintained by any person against any city organized under the provisions of this act, upon any claim or demand of any kind or character whatsoever, until such person shall have first presented his claim or demand to the common council for allowance, and the same shall have been disallowed in whole or in part; provided, that the failure of such common council to pass upon such claim within sixty days after the presentation of such claim shall be deemed a disallowance thereof.

Action against city; claims to be first presented.

Amends sec. 78.

SECTION 28. Section 78, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 78. There shall be a department known as the board of public works, to consist of three commissioners. In cities of the first and second classes the commissioners shall be appointed by the mayor, and confirmed by the council at their first regular meeting, or as soon thereafter as may be; and the members of the first board shall hold their offices one, two and three years, respectively, and thereafter they shall hold their offices for three years, or until their successors are appointed and qualified; in all other cities, the board shall consist of the city attorney, and the city comptroller, and the city engineer or surveyor. Provided, that the city council, by a two-thirds vote, may determine that the board of public works shall consist of other public officers or persons, and provide for the election or appointment of the members thereof; or it may, by a like vote, dispense with such board of public works, in which case its duties and powers shall be exercised by the common council or a committee thereof, or by such officers or boards as the common council shall designate.

Board of public works.

In cities of first and second class.

In other cities.

May dispense with.

Amends sec. 90

SECTION 29. Section 90, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 90. All public works, the estimated cost of which shall exceed two hundred dollars, shall

Public works, when to be let by contract.

be let by contract to the lowest reponsible bidder; and all other public work shall be let as the common council may direct. When the work is directed to be let to the lowest responsible bidder, or when such work is required to be so let under the provisions of this section, the board of public works, or such officers as shall be designated to discharge its duties, shall advertise for proposals by publishing a notice in the official newspaper, at least once in each week, for at least two successive weeks. Before such proposals are advertised for, a profile of the work to be done, together with the specifications, shall be placed on file for the inspection of bidders, and a form of contract, with sureties, as the same will be required to be executed by bidders, shall be prepared and a copy of the same furnished to any person desiring to bid on the work. No bids shall be received when not accompanied by a bond with sureties, executed on the part of the bidder and such sureties, which sureties shall justify as to their responsibility, and by their several affidavits show that they are worth in the aggregate at least the amount mentioned in the contract, in property not by law exempt from execution, provided, a certified check in amount five per cent. of the bid, and a provision for the retention of twenty per cent. of the estimates made from time to time, may be accepted in place of sureties. The power to reject any and all bids shall be deemed to exist, unless expressly waived. When no proper bids shall be received for any such work, the common council, by a two-thirds vote, may direct that such work be done under the supervision of such officer or officers of the city, as it shall designate.

Proposals to be advertised for.

Bid to be accompanied with bond, etc.

Amends sec. 94.

SECTION 30. Section 94, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 94. As the work of any contract progresses, the board of public works, or such officers as shall be designated to discharge its duties, may, from time to time, at their discretion, grant to the contractor an estimate of the amount and proportionate value of the work already done, witholding in all cases twenty per cent. of said estimate, which shall entitle the holder to receive the amount thereof, less such twenty per cent., from the proper fund. But all

Part payments, how may be made.

contracts shall contain a provision authorizing the board of public works, in case the work under such contract is not completed within the time therein required, to take charge of the work and finish it at the expense of the contractor and his sureties. In no case shall the deposit required by this act be returned to a successful bidder, until the contract is performed. This deposit, together with the twenty per cent. retained as aforesaid, shall be used in whole or in part to complete the work. If any of the deposit of the retained twenty per cent. then remains, it shall be paid to such defaulting contractor. Contract to contain provision authorizing completion

SECTION 31. Section 98, chapter 326, of the laws of 1889, is hereby amended as follows: Section 98. When cities own the water works, the water rates shall be collected by the city treasurer, and shall be first devoted to the expenses of maintaining and operating the works, and paying the principal and interest of any indebtedness created in the construction thereof, and the balance, if any, shall be paid into the general fund. Amends sec. 98. Water rates, how collected and used.

SECTION 32. Section 106, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 106. The preceding provisions relating to the construction of water mains in whole or in part at the expense of abutting owners, shall not apply except in cases where the city owns the works; and in cases where the water works are now owned or may hereafter be purchased by the city, and the amount of such purchase is fifty thousand dollars or more, the extension of mains after such purchase shall be made at the expense of the city at large, or at the expense of abutting property, as the common council shall determine. Amends sec. 106. When provisions not to apply.

SECTION 33. Chapter 13, entitled "The Health Commissioner," of chapter 326, laws of 1889, is hereby amended so as to read as follows: Amends ch. 13.

CHAPTER XIII.

THE HEALTH COMMISSIONER.

Section 107. In every city, governed by this act, it shall be the duty of the mayor, once in

Health commissioner, mayor to appoint.

two years, to nominate a regularly licensed physician as commissioner of public health, and who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

Powers and duties.

Section 108. The commissioner of public health shall have all the power and authority heretofore given, or which may hereafter be given to boards of health, by any general law of the state, and it shall be his duty to provide such additional rules and regulations as shall be requisite and necessary for the preservation of the health of the people of the city, to prevent the spread of contagious diseases and to cause the removal of all objects detrimental to the health of the people of the city, and to enforce such rules and regulations as hereinafter provided.

To report rules and regulations to council.

Section 109. All rules and regulations, prepared by the commissioner of public health, shall be by him reported to the common council, and if the common council shall confirm the same by a vote of a majority of the members thereof, such rules and regulations shall have the force and effect of ordinances, and the violation thereof may be prosecuted and punished as in the case of ordinances.

May recommend sanitary measures.

Section 110. The commissioner of public health shall also, from time to time, recommend to the common council such sanitary measures, to be executed at the public expense, as shall seem to him to be necessary for the preservation of the public health.

Salaries, council to fix.

Section 111. It shall be the duty of the common council, to fix the salary of the commissioner of public health, which shall be paid out of the city treasury; and the commissioner of public health shall have power to appoint, subject to

Assistants.

confirmation by the mayor, such assistants as may be necessary, and all such appointees shall receive such salary or compensation as the common council may fix.

May enter buildings, etc.

Section 111a. The commissioner of public health, or any person acting under him, shall have authority to enter into and examine at any time, all buildings, lots and places of all descriptions within the city, for the purpose of ascertaining the condition thereof, so far as the public health may be affected thereby, and any

person refusing to allow entrance into or upon his premises at reasonable hours, for the purpose named, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars, nor more than one hundred dollars; and in all cases in which the commissioner of public health shall deem it necessary, for the protection of the health of the city, to abate or remove any nuisance, source of filth or cause of sickness, which shall be found on private property, he shall cause a notice to be served on the owner or occupant thereof, requiring him to remove the same at his own expense, within a reasonable time, not less than twenty-four hours; and if said owner or occupant shall refuse or neglect to comply with such notice, or if such nuisance, source of filth or cause of sickness, exist on the property of non-resident owners, or upon property the owners of which cannot be found, the commissioner of public health shall cause the removal of such nuisance, source of filth, or cause of sickness, under his direction, at the expense of the city, and the cost of such work shall be charged against the lots, pieces or parcels of land, upon which said work was done, and shall be assessed against said property in the same manner as is provided for the assessment of other special taxes. The commissioner of public health shall, in each year, certify to the tax commissioner, or city clerk, in time for insertion in the assessment roll, a certified list of all special taxes to be levied by reason of work done as herein required, and such certified list of special taxes shall be *prima facie* evidence of the legality and regularity of said special taxes, and they shall be included in the list of special taxes in the tax roll of the city before delivery of the same to the city treasurer.

Refusal to allow entrance a misdemeanor Penalty.

Nuisances, etc., how abated.

To certify special taxes.

Section 111b. It shall be the duty of every physician practicing in any city, which has adopted this act, to report in writing to the commissioner of public health every patient he shall have, who is sick with smallpox, scarlet fever, diphtheria, typhoid fever, Asiatic cholera, or any other dangerous contagious disease, within twenty-four hours after he shall ascertain or suspect the nature of such disease. These reports shall be in such form as may be directed by the

Physicians to report to commissioner cases of dangerous contagious disease.

Report, form of.

state board of health, and shall state the name, sex, age, nature of disease, and place of residence of the person whose sickness is reported, together with such additional facts as the state board of health may direct. Any practicing physician who shall refuse or neglect to perform the duties required of him in this section, or who shall make a false return of the facts required, shall be considered guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than twenty-five dollars, nor more than one hundred dollars, for each offense, or by imprisonment in the county jail for a period not exceeding sixty days, or by both fine and imprisonment, in the discretion of the court.

Penalty for neglect, etc.

Council may impose additional duties.

Section 112. The commissioner of public health shall also discharge such duties not herein enumerated, as may from time to time be imposed upon him by the common council by ordinance or resolution, and he shall make such reports to the state board of health, and generally perform such duties as are or may be required of health officers by the general laws of the state.

Commissioner to have assistance of police force.

Section 112a. It shall be the duty of the members of the police force of the city, and of all magistrates and civil officers and all citizens of the state, to aid to the utmost of their power the commissioner of public health in the discharge of his duties; and on requisition of the commissioner of public health it shall be the duty of the chief of police or the city marshal to serve or to detail one or more of the policemen of the city, to serve the notices of the said commissioner, and to peform such other duties as such commissioner may require.

Amends sec. 113, not to effect existing school government.

Board of education, how constituted.

SECTION 34. Section 113, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 113. In every city which shall adopt this act for its government, if there shall be at the time of such adoption a board of education or school board, elected by the people under the provisions of its charter, or where the school district system is in force, the election and organization, powers and duties of such board shall not be affected by this chapter, but such system shall continue as the law of such place, until changed by a vote of the electors of the city. In all other cities governed by this act, the board

of education shall consist of one commissioner from each ward and three from the city at large, to be appointed by the mayor and confirmed by the common council. The mayor, in appointing the first board under this act, shall divide the members into three classes, as nearly equal as may be, one of the commissioners at large being in each class, and shall appoint those of one class for one year, those of another class for two years, and those of the remaining class for three years. Each commissioner shall hold his office for the term designated in such classification, and until his successor shall have been appointed and qualified. After that, all commissioners shall be appointed, and shall hold their offices for the term of three years, and until their successors shall have been appointed and qualified. Terms of office.

SECTION 35. Section 115, chapter 326, of the laws of 1889, is hereby amended as follows: Section 115. In cities of the first class the board of education shall annually at its first meeting, or as soon thereafter as may be, elect a secretary, who shall not be a member of the board. In cities of the second, third and fourth classes, the city clerk shall be *ex-officio* secretary of the board. In cities not under the supervision of a county superintendent, the board shall, in like manner, annually at its first meeting, or as soon thereafter as may be, elect a superintendent of schools for the city, who shall not be a member of the board. These officers shall hold their respective offices for one year and until their successors shall have been elected, unless sooner removed by a resolution adopted by the board by a vote of two-thirds of its members. Amends sec. 115. Secretary of board. School superintendent, when to be elected.

SECTION 36. Section 119, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 119. The board of education shall as early as the first day of October each year, make an estimate of the expense of the public schools in the city for the ensuing year, including all necessary incidental expenses, and the amount thereof which it will be necessary to raise by city taxation, and to certify the same to the city clerk, who shall lay the same before the common council, who shall include the same, or so much threof as they shall approve, in the annual budget to be raised by a tax called the city Amends sec. 119. Board of education to make estimate of annual expense of school. Duty of city clerk thereon.

School fund.

school tax, which shall be collected the same as other taxes. It shall be the duty of the city treasurer to set aside and keep all moneys raised in any way for school purposes, whether by the state, the county, or the city, coming into his hands, in a separate fund, to be called the school fund, and to pay out the same upon the orders of the board of education, signed by the president and certified by the secretary of that board; provided, that in any city adopting this act, if at the time of such adoption the board of education or school board shall have power to levy the city school tax, or the district school taxes, such power shall continue unaffected by this chapter, and this section shall not apply to such city, nor be in force therein, until specially adopted by a vote of three-fourths of the members of the council; provided, that teachers' and janitors' salaries may be included in a single order each month in the form of a pay roll, to be signed by the president and certified by the secretary of the board of education.

When chapter not to apply.

Amends sec. 120. Fiscal year.

SECTION 37. Section 120, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 120. The fiscal year shall commence on the first day of September in each year, and close on the thirty-first day of August next succeeding.

Amends sec. 121.

Funds, council to control.

SECTION 38. Section 121, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 121. All funds in the city treasury, except school funds, funds created and set apart for the payment of interest and principal of the debt of the city, and funds collected on special assessments, shall be under the control of the common council, and shall be drawn out upon the order of the mayor and clerk, duly countersigned by the comptroller, if there be one, when authorized by a vote of the common council.

How drawn.

Orders, what to specify.

All orders drawn upon the treasurer shall specify the purposes for which they are drawn, and shall be payable out of any funds in the city treasury, not otherwise appropriated. All orders shall be payable to the persons in whose favor they may be drawn and may be transferred by endorsement.

SECTION 39. Section 126, of chapter 326, of laws of 1889, is hereby amended so as to read as

follows: Section 126. The common council may borrow money to pay the ordinary expenses of the city, not exceeding twenty per cent. of the tax levy for the same purposes the preceding year. Certificates of indebtedness may be issued therefor, signed by the mayor and clerk, bearing interest not exceeding the legal rate *per annum* and payable not later than the first day of March after the same are issued; provided, however, that no such loan shall be made, unless authorized by a vote of at least three-fourths of all members of the common council at a regular meeting thereof.

Amends sec. 126. Council may borrow money; limit; certificate of indebtedness.

SECTION 40. Section 127, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 127. The city council may designate, by resolution, the bank or banks where the money belonging to the city shall be deposited, and the security, to be approved by the mayor and comptroller, to be given by such bank or banks, and when the money is so deposited, the treasurer and his bondsmen shall not be liable for the loss of such money, by reason of the failure of such bank or banks, and the interest arising therefrom shall be paid into the treasury; provided, such money shall not be deposited in any bank without this state.

Amends sec. 127. Council may designate depository.

SECTION 41. Section 132, chapter 326, of the laws of 1889, is hereby amended as follows: Section 132. All moneys received for licenses of all kinds shall be paid into the treasury, and may be used in paying the bonded indebtedness of the city, or otherwise, as the common council shall direct. If any of said bonds are due, and there is money available to pay the same, the treasurer shall call in such bonds in their order. If no bonds are then due, the treasurer may advertise for proposals to sell bonds to the city in such manner as the common council may direct, and shall take up of the lowest offers, sufficient to exhaust the money available for such purpose.

Amends sec 132. License moneys; payment of bonds.

SECTION 42. Section 133, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 133. The common council shall have authority to issue bonds for the following purposes only:

Amends sec. 133.

Bonds, for what council may issue.

First. Building school houses and for public libraries.

School houses and libraries.

Bridges. Second. Building bridges.

Public buildings. Third. Building public buildings for the use of the city.

Fire apparatus. Fourth. Purchase of apparatus for fire protection.

Street improvements. Fifth. Street improvements which are to be paid for by the city.

Water works, sewers, drains. Sixth. Water works, sewers and drains.

Public parks, cemeteries, etc. Seventh. Public parks, public drives, boulevards, lighting works for streets and public buildings, cemeteries, garbage grounds, and public hospitals, and purchasing sites for public buildings.

Toll bridges. Eighth. Purchase of toll bridges and approaches.

Refunding indebtedness. Ninth. Refunding municipal indebtedness.

Ordinance authorizing bonds. Provided, that no such bonds shall be issued unless authorized by ordinance adopted by a vote in favor of the same of at least three-fourths of all the members of the common council elect,

Notice. said vote to be at a regular meeting not less than one week after the proposed ordinance shall have been published in the official paper of the city, and in cities with a population of less than five thousand shall be ratified by a majority of the electors of said city, at a special election

Limitation of indebtedness. called for that purpose; and provided, that no such bonds shall be issued so that the amount thereof, together with all the other indebtedness of the city, shall exceed five per cent. of the assessed valuation of such city at the last assessment for state and county taxes previous to the

How bonds payable. incurring of such indebtedness; and provided further, that all such bonds issued shall be payable at the option of the city in annual installments, the last installment being payable not more than twenty years after their date, and shall bear interest not exceeding six per cent. *per annum*, payable semi-annually.

Amends sec. 139. SECTION 43. Section 139, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 139. In the cities of the first class,

Board of review, how constituted. the mayor, city clerk, tax commissioner and assessor or assessors shall constitute the board of review, and in all other cities the mayor, assessor or assessors, city clerk and one or more members of the city council, not exceeding four, to be elected by the council, shall constitute such board.

SECTION 44. Section 142, of chapter 426, laws of 1889, is hereby amended so as to read as follows: Section 142. On or before the first day of October in each year the board of public works, if there be one, and the board of education, shall each file with the city clerk a detailed statement of the amount of money that will be required for the ensuing fiscal year in their respective departments. And the city comptroller, or the officer, or officers, performing his duties, shall likewise file a statement of the amount required by the police department, fire department, the general fund and for the purposes of paying interest for the ensuing year on public debt, and five per cent. of the principal thereof. The city clerk shall place such estimates before the city council, at its next regular meeting, for their consideration; and the council shall thereupon, by resolution, levy such sums of money as may be sufficient for the several purposes, for which taxes are authorized, and in making such levy they shall take into consideration, the estimated amount that will be received by the city during the fiscal year from licenses or from any other source. A tax levied for any one year, for municipal purposes, together with the tax required to be levied for state, county and county school purposes, and for delinquent taxes for the preceding year, shall not exceed the amount of three per cent. of the assessed value of real and personal property of the city in that year.

Amends sec. 142.

Boards of public works and education to file statements of money required.

City comptroller to do same.

Council to make levy.

Limitation of taxation.

SECTION 45. Section 170, chapter 326, of the laws of 1889, is hereby amended as follows: Section 170. Cities of the second, third and fourth classes may, at their option, condemn lands for any of the purposes mentioned in the first section of this chapter, either under the provisions of section 927, and sections 895 to 904, inclusive, of the Revised Statutes of 1878, and the acts amendatory thereof, or under the foregoing provisions of this chapter.

Amends sec. 170.

Cities of second, third and fourth classes may condemn lands.

SECTION 46. Section 175, of chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 175. The city may cause streets and alleys to be opened, leveled, graded, regraded, graveled, regravelled, macadamized, paved and repaved with stone, wood or other material, or improved in any other manner; and

Amends sec. 175.

Streets and alleys.

Grading, paving, etc.

may cause such streets and alleys to be swept, sprinkled and cleaned; but no street shall be graded, graveled, paved, macadamized or improved, where the expense would exceed five hundred dollars, except upon the vote of two-thirds of the members of the common council elect.

Expenses, how paid.

The expense of such work or improvement may be paid in whole, or in part, by the city or by the property to be benefited thereby, as the common council shall provide and direct, but in no case shall the amount assessed to any parcel of real estate exceed the benefit accruing to such real estate by such improvement, except in case of sidewalks; provided, that where work is ordered to be done, chargeable to particular property, the city shall in no case be responsible for the payment therefor, except in cases where the cost of the improvement exceeds the benefits.

Amends sec. 176.

SECTION 47. Section 176, of chapter 326, of the laws of 1889, is hereby amended so as to read as

Petition for improvement of street.

follows: Section 176. In any city, whenever the owners of more than one-half of the frontage of the lots upon that part of any street proposed to be improved shall petition the common council to improve such street, or part of street, by stone paving, macadam or otherwise as set forth, to be made in such manner as shall be fully specified by the city surveyor, and approved by the mayor, and upon advertisement, setting forth clearly such specifications, may contract for such work to be done by the lowest responsible bidder, if deemed reasonable in cost; provided, that such improvement, unless made to connect with streets somewhat similarly improved, shall be made to extend upon such street, not less than the length or width of three blocks of lots, and the street crossings

Cost to be assessed against lots.

between. The cost of such improvement, when made, shall be assessed to the respective owners of the lots fronting on such street, in the ratio of each owner's number of feet front, to the entire length of such improvement, exclusive of street crossings, which shall be chargeable to the city, as its proportion of expense, and such crossings shall be made to conform with the street so improved. The word street as herein used may be construed to mean two or more streets when the whole taken together would form one continuous drive.

SECTION 48. Section 178, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 178. Before the council shall change or alter any established grade, or shall order any work to be done on any street, in whole or in part, at the expense of the real estate to be benefited thereby, it shall order the board of public works, or if there be no such board, the officer or officers designated to discharge its duties, to view the premises, and determine the damages and benefits which will accrue to each parcel of real estate by such change or alteration of grade; the entire cost of the contemplated work or improvement upon the street, the benefits and damages that will accrue to the several parcels of real estate by such work or improvement, and the amount that should be assessed under the provisions of this chapter, to each parcel of such real estate, as benefits accruing thereto by such contemplated work or improvement.

Amends sec. 178.

Altering grade, council to have premises viewed and damages, etc., determined.

SECTION 49. Section 182, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 182. Subject to the limitations hereinbefore mentioned, the common council may determine the amount to be paid by the real estate as benefits, on account of the improvement of a street, and the amount that shall be paid by the city at large, or the ward fund of the wards in which said improvement is made.

Amends sec. 182.

Council may determine amount to be paid as benefits.

SECTION 50. Section 183, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 183. When a final determination shall have been reached by the council, the city clerk shall publish notice in the official paper of the city, once in each week, for two successive weeks, that a final determination has been made as to the damages that will accrue to the real estate, in case of the change of an established grade, or the benefits to be assessed to the real estate in case of a proposed improvement.

Amends sec. 183.

Notice to be published.

SECTION 51. Section 184, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 184. If the owner of any parcel of land mentioned in said notice, feels himself aggrieved by reason of the determination made by the common council, he may, within twenty days after the date of such determination, appeal therefrom to the circuit court, and such appeal

Amends sec. 184.

Appeal to circuit court from determination of council.

shall be taken, tried and determined, and bonds for costs shall be given and costs awarded in like manner as in case of appeals from the disallowance of claims under this act; provided, that in case any contract shall have been made for making the improvements, said appeal shall not affect said contract; but a certificate against the lot in question for the amount of benefits assessed to such lot shall be issued, notwithstanding such appeal; and in case the appellant shall succeed, the difference between the amount charged in the certificate, so issued, and the amount adjudged to be paid as benefits accruing to the parcel of real estate described in such certificate, shall be paid by the city at large or out of the ward fund as the council may direct.

Certificate for amount of benefits to be issued.

Amends sec. 190.

Payments, how contract may provide for.

SECTION 52. Section 190, or chapter 326, laws 1889, is hereby amended so as to read as follows: Section 190. When a contract is let for doing any work specified herein, chargeable to the real estate to be benefited, it may provide that the amount so chargeable may be paid with certificates against the lots or in special improvement bonds, or the proceeds of the sale of such bonds, or that payment may be in part made in certificates, part in cash, and part in special improvement bonds, or the proceeds thereof.

Amends sec. 191.

Improvement notice.

SECTION 53. Section 191, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 191. As soon as the amount chargeable to the real estate is finally determined, the council may cause a notice to be published in the official paper, substantially in the following form:

CITY IMPROVEMENT NOTICE.

Form.

Notice is hereby given, that a contract has been (or is about to be) let for (————————— describe the work and street) and that the expense of said improvement, chargeable to the real estate, has been determined as to each parcel of said real estate, and a statement of the same is on file with the city clerk. It is proposed to issue bonds chargeable only to the real estate to pay the special assessments, and such bonds will be issued covering all of said assess-

ments, except in cases where the owners of the property file with the city clerk, within thirty days after the date hereof, a written notice that they elect to pay the special assessments, or a part thereof, on their property, describing the same on presentation of the certificates.

Amends sec. 192.

SECTION 54. Section 192, of chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 192. After the expiration of said thirty days, the council may issue special improvement bonds covering all of the assessments except such as the owners have filed notices of election to pay as provided in the preceding section. Said bonds shall be signed by the mayor and clerk, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show that they are chargeable only to particular property, specifying the same, and the number and amount of said bonds, and such other provisions as the council shall think proper to insert; such special improvement bonds shall in no event be a general city liability.

Special improvement bonds, council may issue.

Amends sec. 193.

SECTION 55. Section 193, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 193. Said bonds shall be semi-annual interest coupon bonds, payable in annual installments, the last of which installments shall be payable at such time, as the common council may determine, not exceeding ten years from the first day of March next ensuing, and shall draw interest at a rate not exceeding six per cent. *per annum*, payable semi-annually. Any portion or annual installment of said bonds may be sold by the common council at not less than par, and the proceeds collected by the city treasurer shall be credited to the special fund, and may be paid to the contractor for such work when due him, and the common council shall so direct, or the contractor may take such bonds as payment for work done under his contract at their par value, with accrued interest, with the permission of the common council.

Bonds, how payable.

Sale of bonds.

Amends sec. 195.

SECTION 55a. Section 195, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 195. The city treasurer shall out of the special fund hereby created for that purpose, pay the interest on and the principal of

Treasurer to pay interest.

said bonds as the same become due, and charge the same to said fund.

Amends sec. 196.

SECTION 56. Section 196, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 196. In each year after the issuing of said bonds until all of them are paid, when the tax roll for the year is prepared, sufficient of the special assessment on each parcel of land covered by said bonds to pay the annual installment of the principal, and the interest on the amount of said special assessment then unpaid, shall be extended on the tax roll as a special tax on said property, and thereafter this tax shall be treated in all respects as any other city taxes, and when collected the same shall be a special fund for the payment of such bonds and interest, and shall be used for no other purpose.

Special assessment, how extended on tax roll.

Enacts sec. 197a.

SECTION 56a. Chapter 326, of the laws of 1889, is hereby amended by inserting, after section 197, the following section. Section 197a. The special improvement bonds herein mentioned shall be a lien against all lots, parts of lots or parcels of land, against which special assessments have been made, which lien shall take precedence of all claims or liens thereon, and when issued shall transfer to the holders thereof all the right, title and interest of such city, in and to the assessment made for the purpose of improvement mentioned therein, and the liens thereby created, with full power to enforce the collection thereof by foreclosure, in the same manner as mortgages on real estate are foreclosed; but the time of redemption therefrom shall be fixed by the court, and a copy of the bond foreclosed may be filed as a part of the judgement roll in said action in lieu of the original thereof. If within ninety days after the commencement of the annual sale of lands for taxes, the amount to pay any installment of principal or interest shall not have been collected by the city, the owner or owners of at least one-third in par value of bonds issued on any single improvement may proceed in his or their own names to collect the same by foreclosure thereof in any court of competent jurisdiction, and shall recover in addition to the amount of said bonds and interest all costs against the property of the party or

Bonds to be lien on land assessed.

When owners of bonds may foreclose.

parties in default; provided, however, that the owner of any property covered by such bonds may redeem the same at any time before judgment, by payment to the county clerk of the amount due against such property, together with ten per cent. additional thereon, which shall be in full for all costs chargeable to such property in such action. Any number of the holders of such bonds for any single improvement may join as plaintiffs in any such action, and any number of the owners of, or other persons interested in the property, covered by the assessment, upon which such bonds are issued, and on which the said bonds are a lien, may be joined as defendants in any such action; and in case more than one action of foreclosure shall be commenced upon a single improvement, such actions may be consolidated. Any holders of bonds for the same improvement, who do not join as plaintiffs, may be made defendants in the action, and their rights adjudicated therein. Such bonds shall be equal liens upon the property for the assessments represented by such bonds, without priority one over another, to the extent of the several assessments against the lots and parcels of land, against which the special assessments shall have been made. Upon the commencement of any such action, the plaintiff shall cause a notice thereof to be filed in the offices of the county clerk and county treasurer, designating the particular property affected by such foreclosure, and thereafter no redemption of any such property from such assessments shall be had without payment of all costs theretofore accrued in such action, except as hereinbefore provided.

Redemption of property.

Parties.

Bonds to be equal liens.

Notice of commencement of action to be filed.

SECTION 57. Section 198, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 198. The common council shall have authority to establish a board of park commissioners, to prescribe their powers and duties, and to fix their compensation; and it shall have the power, upon a two-thirds vote of the members elect of the common council, to receive by gift, or to purchase, or to condemn, for the use of the city, lands for parks, boulevards, drives, cemeteries, drainage, sewerage, or garbage grounds, outside of the city limits, and

Amends sec. 198.

Board of park commissioners, council may establish.

Condemnation of lands.

may exercise police supervision over the same. Lands for the purpose herein specified, or for other necessary city purposes, when no other provision is expressly made therefor, may be condemned under the provisions of section 92 and sections 895 to 904, inclusive, of the Revised Statutes, and the acts amendatory thereof. The common council may, by a two-thirds vote of the members elect, make it a condition of the acceptance by gift of any such lands for parks, boulevards and drives, that such parks, boulevards and drives shall be constructed and maintained at the expense of private parties, until by a like vote provision shall be made by the common council for maintaining such parks, boulevards and drives, at the expense of the city; provided that the city shall not be liable for the construction or maintenance of such parks, boulevards or drives, or for any want of repair, or insufficiency therein, or on account of any neglect in such construction or maintenance during the time the same shall be maintained by private parties, or until the city shall have assumed the burden and expense of maintaining the same as herein provided.

Maintenance of parks, etc.

City not to be liable when park, etc., maintained by private parties.

Amends sec. 216.

Assessment against lots, how made.

SECTION 58. Section 216, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 216. After any contract for work under this act, to be paid for, in whole or in part, by such assessment, shall have been entered into, the board of public works, or, if there be no such board, the officer or officers designated to discharge its duties, shall make or cause to be made, an assessment against all lots, parts of lots and parcels of land, fronting or abutting on the work so contracted to be done, on each side of the same for its whole length, and which have not been before so assessed for sewerage purposes, at an even rate not exceeding two dollars, nor less than twenty-five cents, per linear foot on each side of the street of the whole frontage of each lot, part of lot or lots, or parcel of land, fronting or abutting on each side of said sewer, except corner lots, which shall be assessed therefor as follows: Corner lots not subdivided in ownership, and subdivisions of corner lots constituting the actual corner of corner lots, subdivided in ownership, shall be entitled to a de-

Rate.

Corner lots to have deduction.

duction in making sub-assessments, of one-third from the aggregate of the T street lines of such corner lot or corner subdivisions thereof, on all the streets in front thereof; such deduction to be made in the assessment of the longest street line of such corner lots or corner sub-divisions thereof, or in case of equal street lines thereof, in the assessment for the second sewer to which they are liable Whenever any lot which, as originally platted, fronts or abuts on any sewer, is sub-divided, and the sub-divisions thereof are owned by different persons, no subdivisions of such lots, not fronting or abutting on such sewer, and not owned by the same person who owns the subdivision fronting or abutting on such sewer, shall be assessed for the cost of such sewer.

Amends sec. 215.

SECTION 59. Section 218, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 218. The costs of all sewers in street and alley crossings, and of all sewers in excess of two dollars per linear foot, chargeable to lots and lands as provided in section 216, of this chapter, of all catch basins for receiving the water from the gutters, and of the overflow pipes connecting them with the sewers, of all temporary catch basins, and of the repairing and cleaning of sewers, and all expenditures for temporary work necessary to carry on the system of sewerage herein provided, and all costs for constructing sewers not provided for by special assessment, shall be paid out of the fund of the proper sewerage district, and all cleaning and repairing of sewers and catch basins, and all temporary work necessary to be done as above stated, shall be done by the authority of the board of public works, as may be necessary, or by the officer or officers discharging the duties of such board.

Cost of sewers, how paid.

Amends sec. 219.

SECTION 60. Section 219, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 219. The board of public works, or the officer or officers designated to discharge its duties, shall report to the common council on or before the first day of October of each year, as accurately as may be, the amount of money required for sewerage purposes for that year in each district, in addition to the special assessments made; and the common council is hereby

Money required for sewerage purposes, report of to council.

Council to levy tax.

authorized to direct the levy and collection of a tax for sewerage purposes in each district for such amount as may be necessary, not, however, to exceed in any one year the sum of five mills on the dollar on all property, real and personal, subject to taxation in any such sewerage district; which tax, so levied, shall, when collected, be placed in the fund of the sewerage district in which the same has been collected, and the city treasurer is hereby directed and required to keep a separate and distinct account of each sewerage district.

Amends sec. 223.

SECTION 61. Section 223, of chapter 326, laws 1889, is hereby amended so as to read as follows:

Council may require water and gas service pipes and house drains to be laid to curb lines.

Section 223. Whenever the common council shall order the paving or repairing of any street in the city in which water, gas mains and sewers, or either of them, shall have been previously laid and constructed, they may also by resolution, require water and gas service pipes and house drains to be first laid in such a street at the cost of the property fronting on such street from the main sewer, water and gas mains in such street, to the curb line on either side of the street at such intervals as the common council shall direct, along the whole length of such paved street, except at street and alley crossings, and notice shall thereupon be given to the owners or occupants of the property adjoining such paved street, by publication thereof for six days in the official paper, requiring them to do such work opposite their respective lots according to plans and specifications to be before prepared and on file in the office of the board of public works, city clerk, or city surveyor, as the common council shall prescribe, showing the location and size and the kind and quality of material of such lateral sewers or drains, and water and gas service pipes; and if such owners or occupants shall refuse or neglect to do the same, before the paving or preparing of said street so ordered, and within ten days after the publication of such notice, the said board of pulic works or the officer or officers discharging its duties may procure the same to be done, and charge and assess the expenses thereof to the lots or parts of lots fronting upon such work in the manner provided in and by chapter 18, of this act, and the

Notice to be given.

Expense how charged.

same shall be levied and collected as other special assessments are levied and collected in said city; provided, that no street shall be paved or repaved by order of the common council, unless the water and gas mains and service pipes, and necessary sewers and their connections shall, as required by the common council, be first laid and constructed in that portion of such street so to be paved or repaved.

Amends sec 228.

SECTION 62. Section 228, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 228. No private drain shall be connected with any public sewer without a permit therefor having first been issued in such manner as the common council shall have provided.

Permit required to connect private drain.

Amends sec. 229.

SECTION 63. Section 229, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 229. No person is required to make connection until building, and no person shall break open or make connection with any public sewer, except by the consent and by the direction of the board of public works, or the officer or officers discharging its duties, and any person who shall do so, or who shall willfully or maliciously obstruct, damage, or injure any public or private sewer or drain in said city, or wilfully injure any of the material employed or used in said city for the purposes of sewerage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred dollars, or imprisoned in the county jail not to exceed three months.

Connections with public sewer, consent to be had.

Penalty for injury, etc.

Amends sec. 234.

SECTION 64. Section 234, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 234. Whenever a contract shall have been let for the construction of any sewer, and the amounts have been determined that are chargeable to the lots or parcels of land abutting on the streets or alleys through which said sewer is to be constructed, if the common council deems it for the best interect of the property owners affected by the special assessment for the construction of said sewer, it may cause a notice to be published in the official paper of the city once in each week, for two successive weeks, substantially in the following form:

Notice of letting contract.

IMPROVEMENT BONDS FOR SEWERAGE ASSESSMENTS.

Form.

Notice is hereby given, that a contract has been let for the construction of a sewer as follows: (Describe the street or alley) that a statement showing the amount of the special assessment chargeable to the lots and parcels of real estate benefited by said sewer, or abutting on the street (or alley), through which said sewer is to be constructed, is now on file with the city clerk. That all parties who desire to pay the special assessment on presentation of the proper certificate, are hereby required to file their notice to that effect with the said clerk, before the expiration of thirty days from the date of this notice; that the city will issue its per cent. semi-annual interest coupon bonds, payable in annual installments, for an amount sufficient to cover the special assessments, which the parties owning the property do not elect to pay on the presentation of certificates in the manner stated; that said bonds will be a charge upon the particular lots only, against which said special assessments are levied.

Dated the.....day of.....18....

.....City clerk of the city of .....

Amends sec. 235.

Sewerage bonds.

SECTION 65. Section 235, of chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 235. The city council shall then have the power to issue semi-annual interest coupon, annual installment bonds, for an amount sufficient to cover all special assessments which the parties do not elect to pay in accordance with said notice. Said bonds shall be semi-annual interest coupon bonds, payable in annual installments, the last of which installments shall be payable at such time as the council may determine, not exceeding ten years from the first day of March next ensuing, and shall draw interest at a rate not exceeding six per cent. *per annum*. They shall specify on their face that they were sewerage bonds, and shall contain such recitals as may be necessary to show that they are chargeable only to particular property, speci-

Recitals.

fying the same, and the number and amount of said bonds, and such other provisions as the common council may think proper to be inserted. Such bonds shall be signed by the mayor and clerk, and sealed with the corporate seal of the city. Such sewer improvement bonds shall in no event be a general city liability.

Amends sec. 236. Sale of bonds.

SECTION 66. Section 236, of chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 236. Any portion or any installment or installments of said bonds may be sold by the common council, at not less than par value, and the proceeds collected by the city treasurer shall be paid to the sewerage contractor, when due to him; or the contract may provide that the contractor shall take the bonds as payment on his contract, at their par value, but he shall be charged with accrued interest.

Amends sec. 237. Treasurer to pay.

SECTION 67. Section 237, of chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 237. The city treasurer shall pay the interest on and principal of said bonds as the same become due, and charge the amount to the proper fund.

Amends sec. 238. Special assessment, how extended on tax roll.

SECTION 68. Section 238, of chapter 326, of the laws of 1889, is hereby amended so as to read as follows: Section 238. In each year after the issuing of said bonds, until all of them are paid, when the tax roll for the year is prepared, sufficient of the special assessment on each parcel of land covered by said bonds, to pay the annual installment of principal, with the interest on amount of said special assessment, then unpaid, shall be extended on the tax roll as a special tax against the property, and thereafter this tax shall be treated in all respects as any other city taxes, and when collected shall constitute a special fund for the payment of such bonds and interest, and shall be used for no other purpose. After the issue of said bonds no action shall be maintained to avoid the tax provided for in this section.

Amends sec. 239. Council may alter system of sewerage.

SECTION 69. Section 239, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 239. Whenever any city shall have adopted a system of sewerage, and in the opinion of the common council such system has proved insufficient or inadequate, or dangerous

to the public health, such common council shall have full power to alter or to amend its system of sewerage, and adopt more approved methods, and to so change the system as to obviate the objections to the existing system, either by altering or modifying the same, or by abandoning it, and adopting an entirely new system. In case any city council shall so decide to amend its system of drainage, or to adopt a new system, it may proceed in the mode prescribed in this act or by the law, in pursuance of which such sewer or sewers were constructed, to make the necessary plans and surveys and specifications, and to make estimates and to let contracts, and assess the expense of such work upon the lots, buildings and property thereby benefited; or in the discretion of the common council it may cause the whole cost of such construction, alteration or change of system to be borne by the city; or it shall be lawful for the common council to cause such portion of the estimated cost of construction, alteration or amending of sewers, as it shall designate, to be born by the city, and the balance to be assessed upon the buildings and lots which may be benefited. It shall be lawful for any such city to issue its coupon bonds for an amount sufficient to cover the cost of construction of any such sewers, at a rate of interest not exceeding six per cent. *per annum*, and becoming due at such time as the common council shall determine, as provided in this act.

Procedure.

Coupon bonds may be issued.

Amends ch. 21.

SECTION 70. Chapter 21, of chapter 326, laws of 1889, is hereby amended by adding thereto the following sections, number 248a, and number 248b, which sections shall read as follows: Section 248a. Any city may, at its option, in lieu of sections 240 to 248, inclusive, of chapter 326, of the laws of 1889, have the power to construct, repair, improve and maintain any harbor within or of the city, so as to make such harbor navigable and available for the largest class of vessels, by dredging channels and slips, building docks, dykes, wharves, piers and breakwaters, or by such other plan of improvement as the city council may prescribe and adopt; and when any such improvement shall have been ordered, the board of public works shall make an assessment of the benefits accruing to the lands benefited thereby.

Power of city in lieu of secs. 240 to 248 inclusive.

Improvement of harbor.

Assessment of benefits.

Harbor districts, council may establish.

In order to facilitate the improvement of any harbor or any portion thereof, the city council may, by ordinance, establish harbor districts, to be numbered from one upwards, along the bays, rivers, creeks, sloughs, slips and pockets, lying wholly or in part within the city, each of which harbor district shall contain such area, and embrace such lands and territory to be improved and benefitted as the council may by such ordinance prescribe and determine; and after the formation of any harbor district, the cost of improvement made within such district shall be assessed to the property within the same, according to the benefits accruing to such property by reason of such improvement.

May vacate or alter.

The city council may, at any time, by a vote of three-fourths of all its members elect, vacate or alter any harbor district, or change the boundaries of the same, or consolidate or rearrange the harbor districts; provided, however, that before any harbor district shall be established, altered or vacated, as herein provided, the notice required to be given in the establishment of sewerage districts under section 210, of chapter 326, of laws of 1889, shall first be given, and sections 209, 210, 211 and 212, of chapter 326, of laws of 1889, are hereby made applicable for the establishment, alteration and vacation of harbor districts.

Notice to be given.

Dredging.

In case it shall be necessary to dredge any channel or make any other improvement outside of any dock lines or harbor districts, the cost of such improvement shall be assessed as benefits against the platted property or subdivisions of land nearest to or benefited by such improvement. Assessments for harbor improvements shall be made, corrected and reported to the city council the same as assessments for street improvements, and certificates or improvement bonds may be issued thereon and collected in the same manner, and with like effect, as in the case of street improvements, and all provisions contained in chapter 326, of the laws of 1889, and all laws amendatory thereof, relating to special assessments and proceedings, and special improvement bonds, in the case of street improvements, are hereby made applicable.

Bonds may be issued.

Additional assessment.

The city council may provide that a sum not exceeding ten per cent. of the amount of any assessment for the benefits shall be added,

as an additional assessment for benefits, to cover the cost of engineering, superintending and all other necessary charges upon the city, by reason of such improvements; they may also provide that any portion, or the entire amount, of any sum, assessed as benefits, shall be collected and in the treasury before any work shall be done or improvement made under this chapter.

Appeal.

An appeal may be taken from any such assessment upon like notice and security, within the same time and with like effect, as in the case of street improvements, and like proceedings shall be had thereon.

Lands may be condemned.

SECTION 248b. Any city shall have, and may exercise the right and power to condemn any lands, whether submerged or not, that may be necessary for the improvement of any harbor, and to that end may exercise all the powers of eminent domain, granted by chapter 17, of chapter 326, of the laws of 1889, and in the manner therein stated.

Amends sec. 225.

SECTION 71. Section 255, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 255. No city official shall be interested, directly or indirectly, in any improvement or contract to which the city is a party, and whenever it shall appear that such is the case, such contract shall be absolutely void and the city incur no liability thereon whatever. No city officer shall be accepted as surety on any bond, contract or other obligation made to the city.

City official not to be interested in contract, etc.

Amends sec. 267.

SECTION 72. Section 267, of chapter 326, laws of 1889, is hereby amended so as to read as follows: Section 267. Any city now organized under a special charter, may adopt the provisions of any special chapter, section or subdivision of any section of this act, and may exercise any power or franchise hereby conferred upon cities organized under this act, in addition to, or in lieu of, the provisions of its special charter, and the powers and franchises therein specified by an ordinance adopted for that purpose by a three-fourths vote of all the members of the common council elect, and when adopted as herein prescribed, such ordinance shall operate to that extent as an amendment of such special charter. No such ordinance shall be introduced, except at

City organized under a special charter may adopt provisions of this act adoption of ordinance, etc.

a regular meeting of the common council, and no action shall be taken thereon before the next regular meeting of the common council, and before action shall be taken thereon, it shall be published at least once in each week for three successive weeks in the official city paper, if there be one, and if there be none, in some newspaper to be designated by the common council, together with a notice of the time said ordinance will be considered. No city, however, shall be deemed to have surrendered its special charter and organized under this act, until it shall have adopted all its provisions in full, as hereinbefore provided.

Ordinance to be published.

Special charter, when deemed surrendered.

SECTION 73. Section 262, chapter 326, laws of 1889, is hereby repealed, and all other provisions of said chapter 326, whether embraced in separate sections or subdivisions of sections, in so far as they conflict with the provisions of this act, are hereby repealed or amended and modified, so that the provisions of said chapter 326, shall conform to this act.

Repeals sec. 262.

SECTION 74. The secretary of state is hereby directed to cause to be published five thousand copies, in pamphlet form, of chapter 326, of the laws of 1889, as amended by this chapter, for distribution among the cities of this state.

Law to be published in pamphlet form.

SECTION 75. This act shall take effect and be in force from and after its passage and publication.

Approved April 20, 1893.

MEMORIALS TO CONGRESS.

[No. 1, S.]

MEMORIAL TO CONGRESS.

Praying for the passage of an amendment to the constitution of the United States, which shall provide for electing senators of the United States by direct vote of the people.

To the Congress of the United States:

We believe that popular government means government by the people, and that obedience to the will of the people will best promote the welfare of the republic.

The people should choose senators of the United States by direct vote, in order that men of their choice may fill that high position, and not men chosen by the various state legislatures.

We believe that the present method of electing United States senators is fundamentally wrong; that it tends to the subversion of popular rights, and many times results in electing senators of the United States, who are not the choice of the people.

We therefore ask that a constitutional amendment be submitted to the people in the manner required by law, changing the method of electing senators of the United States so that they shall be chosen by direct vote of the people.

Resolved, by the senate of the state of Wisconsin, the assembly concurring: That a copy of this memorial be sent to the members of congress from Wisconsin, for presentation in congress; and they are requested to do what lies in their power, to secure at this session of congress the submission of the constitutional amendment herein prayed for to the people, in the manner required by the constitution.

JOINT RESOLUTIONS.

[No. 31, S.]

JOINT RESOLUTION NO. 1.

Requesting the Wisconsin senators and representatives in congress to secure the passage of a joint resolution in congress, permitting the state of Wisconsin to place a statue of Pere Marquette in the old hall of the house of representatives at Washington.

WHEREAS, By section 1817, of the Revised Statutes of the United States, each of the states is invited to provide, and to present to congress for erection in the old hall of the house of representatives at Washington, marble or bronze statues of one or two of its deceased residents, who have been illustrious for their historic renown, or their distinguished civic or military services, such as the state shall determine to be worthy of this national commendation, and

WHEREAS, By chapter 544, of the laws of Wisconsin, for the year 1887, it was enacted that Pere Marquette be designated by the state of Wisconsin as one of such persons, and the governor was authorized and directed to have placed in the hall of the said house of representatives a statue of Pere Marquette, the faithful missionary, whose work among the Indians, and explorations within the borders of the state in the early days, are recognized all over the civilized world; and

WHEREAS, To remove a technical objection, the house of representatives did, on the eighth day of April, 1892, unanimously pass the following resolutions, introduced by Mr. Mitchell, of Wisconsin:

"Resolved by the senate and house of representatives of the United States of America, in congress assembled, that the State of Wisconsin be, and is, hereby authorized and granted the privilege of placing in statuary hall, at the capital, the statue of Pere Marquette, the faithful missionary, whose work among the Indians, and explorations within the borders of said state in early days, are recog-

nized all over the civilized world," which resolution is still pending before the senate of the United states; therefore be it

Resolved by the senate, the assembly concurring: That our representatives in the United States senate be, and they are hereby earnestly requested, to secure the passage of said resolution before the close of the present session of congress, so that the will of the people of Wisconsin, as expressed by law, may be made effective.

Resolved, That the governor be, and is hereby requested to forward a copy of these resolutions to our senators and representatives in congress.

[No. 20, S.]

JOINT RESOLUTION NO. 2.

On the death of Honorable James G. Blaine.

Resolved by the senate, the assembly concurring: That the legislature of Wisconsin records its appreciation of the great loss sustained by the republic in the death of the Honorable James G. Blaine. In him were blended in rare degree elements of great personal and intellectual strength. Genial and attractive in his personality, of profound and varied scholarship, of peculiar grace and power as an orator, a prince among the parliamentarians, of marvelous quickness and resources, in debate wise, but aggressive and brilliant, as a party leader subtle, farsighted and skillful as a diplomat, his career compelled the admiration of men, and running through it all was a steady and steadfast devotion to American interests which won for him the respect of all our people, regardless of party ties. His hold upon the love and confidence of the masses of those whose political principles were in harmony with his own was unrivalled in this or any other generation, and that he held in the highest degree the respect of his political adversaries, finds significant evidence in the proceedings of the last national democratic convention, and in the universality of the sorrow which his death has caused. The death of such a man cannot be otherwise than a great public calamity.

Resolved, That we tender to the widow and surviving children of the deceased statesman the sympathy of the people of Wisconsin.

Resolved further, That this resolution be spread upon the journals of both houses, and that an attested copy of the same be transmitted to the family of the deceased under the official signature and seal of the Secretary of State.

[No. 11, S.]

JOINT RESOLUTION NO. 3.

In relation to immigration.

WHEREAS, A bill has been introduced in the senate of the United States by Hon. William E. Chandler, a senator from the state of New Hampshire, to totally prohibit the landing of immigrants in the United States for a period of one year after the first of March next, the main reason assigned for this proposed legislation being that it is necessary to protect the public health from cholera, and

WHEREAS, Such prohibition of immigration would be unjust and opposed to the best interests of the state of Wisconsin, whose traditional policy has always been that of welcoming to its borders all persons, irrespective of nationality or creed, who were industrious, willing and able to work, and

WHEREAS, The great development of the agricultural and industrial interests of the state of Wisconsin is in a large degree due to the thrift, industry and progressive spirit of a desirable class of immigrants who have settled within this state, and

WHEREAS, It is the opinion of this legislature that cholera and other diseases can be successfully kept out of this country by means less obnoxious than the total prohibition of immigration; therefore,

Resolved by the senate, the assembly concurring: That we earnestly protest against the passage by congress of the so-called Chandler bill, or any other measure tending to prohibit the coming to this country of immigrants, other than paupers, idiots, insane persons, persons under contract to perform labor, persons afflicted with contagious diseases, or criminals. Be it further,

Resolved, That a copy of this resolution, properly attested, be sent to our senators and representatives in congress, and that they be requested to use every honorable effort to prevent the passage of any measure that will prevent the landing of desirable immigrants.

[No. 37, S.]

JOINT RESOLUTION NO. 4.

Providing for the printing of the proceedings of the senate relating to the life and public services of the late Senator Frederick W. Horn.

Resolved by the senate, the assembly concurring: That the chief clerk of the senate be, and he is hereby authorized and instructed, to cause to be printed in pamphlet form, two hundred and fifty copies of the proceedings of the senate held on March 1, 1893, relative to the life and public services of the late Senator Frederick W. Horn.

[No. 38, A.]

JOINT RESOLUTION NO 5.

Instructing the superintendent of public property to furnish the committees on Bills on their Third Reading, and of Assessment and Collection of Taxes, with Annotated Statutes.

WHEREAS, The committee room of the committee on Bills on their Third Reading was entered during a recess of the legislature, and said committee's copy of "Sanborn and Berryman's Annotated Statutes was stolen therefrom; and

WHEREAS, A copy of Sanborn and Berryman's Annotated Statutes was stolen from the box of the chairman of the committee on Assessment and Collection of Taxes, and

WHEREAS, These committees are compelled to refer to said statutes daily, also to the Revised Statutes of 1878:

Resolved by the assembly, the senate concurring: That the superintendent of public property be, and he is, hereby instructed to procure and deliver one copy of the Annotated Statutes, and one copy of the Revised Statutes, to each of the chairmen of said committees.

[No. 35, A]

JOINT RESOLUTION NO. 6.

Relating to the payment of the salary of George H. Kroncke, member of the assembly from Kenosha county.

WHEREAS, The present law makes no provision for the payment of the salary of George H. Kroncke, member of assembly from Kenosha county, elected in place of Hon. D. A. Mahoney, deceased; therefore,

Resolved by the assembly, the senate concurring: That Hon. John Ringle be authorized to introduce a bill to provide for the payment of the salary and mileage of said George H. Kroncke.

[No. 34, A.]

JOINT RESOLUTION NO. 7.

To present the speaker with seat 99, at the expiration of this session.

Resolved by the assembly, the senate concurring: That seat No. 99, heretofore occupied by our worthy speaker for nearly a score of years, be and the same is hereby presented to our speaker at the expiration of this session of the legislature.

[No. 29, A.]

JOINT RESOLUTION NO. 8.

To respond to the state of Michigan for concerted action to protect fish and game.

WHEREAS, The legislature of the state of Michigan has adopted a joint resolution for the appointment of a committee to confer with a committee of the legislature of Wisconsin, for the purpose of seeking uniformity in the

game laws in the two states, thereby promoting the best interests of the two commonwealths, and preventing the injury and injustice suffered by sportsmen and fishermen by reason of such want of uniformity, and

WHEREAS, Courtesy demands that this legislature give an early response to the law making body of Michigan for conjunctive action in this commendable movement; therefore be it

Resolved by the assembly of the state of Wisconsin, the senate concurring: That the joint committee on Fish and Game be, and the same is hereby empowered to confer with the committee appointed by the Michigan legislature, to the end, that uniformity of fish and game laws in the two states may be secured; and

Resolved, That the chief clerk of the assembly is instructed to transmit a copy of this resolution to the chief clerks of the senate and house of representatives of the state of Michigan.

[No. 17, A.]

JOINT RESOLUTION NO. 9.

Relating to the employment of a stenographer for committee on Judiciary.

Resolved by the assembly, the senate concurring: That the judiciary committee of the assembly be, and the same is hereby authorized to appoint and employ a stenographer, who shall be type-writer for the present legislative session, who shall receive the sum of four dollars per day; also a stenographer for the senate committee on Judiciary, with the same compensation.

[No. 15, A.]

JOINT RESOLUTION NO. 10.

To amend section 1, article 10, of the constitution of the state of Wisconsin.

Resolved by the assembly, the senate concurring: That section 1, article 10, of the constitution of the State of Wisconsin, be amended by striking out this sentence: "Provided, that his compensation shall not exceed the sum of twelve hundred dollars annually."

[No. 11, A.]

JOINT RESOLUTION NO. 11.

Relating to the employment of a clerk for the committee of Privileges and Elections.

WHEREAS, There are now pending five contested election cases before the committee on Privileges and Elections, in this house, the examination of which will involve a large amount of writing and clerical work; and,

WHEREAS, It is important to know, as soon as possible, who are entitled to seats in this house; and,

WHEREAS, The contesting parties are here ready to submit their cases, and the committee find it very difficult to proceed in their work for want of clerical help; therefore

Resolved by the assembly, the senate concurring: That the chairman of said committee be, and he is hereby authorized to employ a clerk for said committee, whose pay shall be the same as the clerks of other committees.

[No. 8, A.]

JOINT RESOLUTION NO. 12.

Relating to employes in legislature.

Resolved by the assembly, the senate concurring: That the chairman of assembly committee on Railroads, Incorporations. Town and County Organizations, and the committee on State Affairs, are hereby authorized and empowered to each employ a clerk for their several committees, who shall each receive the same compensation as the clerks of the committee on Judiciary and on Claims.

Resolved further, That four committee room attendants be authorized to be appointed by the several chairmen of the committees named, who shall severally receive the same compensation as committee room attendants already authorized.

Resolved further, That the sergeant-at-arms be authorized to employ an assembly night laborer, and one additional messenger boy, whose compensation shall be two dollars per day, respectively.

[No. 9, A.]

JOINT RESOLUTION NO 13.

Resolution of the committee on Insurance, Banks, and Banking, to emply a clerk for said committee.

Resolved by the assembly, the senate concurring: That the chairman of the assembly committee on Insurance, Banks, and Banking is herereby authorized and empowered to employ a clerk for said committee, who shall also act as room attendant, and who shall receive the same compensation, as that paid other committee clerks.

[No. 4, A.]

JOINT RESOLUTION NO. 14.

n relation to the management of the World's Columbian Exposition on Sundays.

WHEREAS, By the provisions of the statute, recently enacted by the congress of the United States, the American people, and visitors from abroad, are denied the right, and prevented from exercising the choice of visiting the World's Columbian Exposition to be held at Chicago in 1893, on Sundays, and,

WHEREAS, Said provision, in the opinion of a large and influential portion of the citizens of the state of Wisconsin and surrounding states, does not serve, promote or attain any public, private or individual purpose whatsoever, but on the contrary is an unjust, unnecessary and unwarrantable interference with, and infringement upon, the personal rights and privileges of free and law-abiding citizens, and that its enforcement will result in the exclusion of hundreds of thousands of laboring and business people in the northwest from the pleasures, instruction and other benefits to be derived from an inspection of the many magnificent and instructive works of God and man, which will be displayed at said exposition, and will also result in a financial loss thereto; therefore, be it

Resolved by the assembly, the senate concurring: That it is the sense and desire of the legislature of the state of Wisconsin, that said World's Columbian Exposition, to be held in Chicago this year, be open for the admission of the public on all days of the week, from its commencement until its close, under such regulations concerning the operation of machinery therein on Sundays, as will not interfere with religious observance on Sundays by people living or worshiping in the immediate vicinity of said exposition, and that our senators and representatives in congress, from this state, are hereby requested and instructed, to use every honorable means to secure the repeal of the Sunday closing clause of said act of congress, and be it further

Resolved, That the governor and secretary of state be, and they are hereby authorized and requested to at once transmit, under their official signatures, and the seal of the state, one copy of these resolutions to each of our senators and representatives in congress.

[No 32, S.]

JOINT RESOLUTION NO 15.

Proposing an amendment to subdivision 9, of section 31, of article 4, of the constitution of the state of Wisconsin.

Resolved by the senate, the assembly concurring: That subdivision 9, of section 31, of article 4, of the constitution of the state of Wisconsin, be amended by striking out after the word "any," in said subdivision, the word "city;" so that said subdivision, when so amended shall read as follows: Subdivision 9. For incorporating any town or village, or to amend the charter thereof.

[No. 47, S.]

JOINT RESOLUTION NO. 16.

Relating to acceptance of bonds and mortgages from E. McFetridge.

Resolved by the senate, the assembly concurring: That the commissioners of public lands, by and with the approval of the governor, in their discretion, are hereby authorized to accept, on behalf of the state of Wisconsin, an assignment of notes, bonds and mortgages, executed by the Wisconsin State Agricultural Society to Mr. E. C. McFetridge, which mortgage covers the land owned by said society, near the city of Milwaukee, as a part payment upon any judgments against said E. C. McFetridge, and his sureties upon his bond as state treasurer; said notes, bonds and mortgages to be received at the face value, with accrued interest.

[No. 49, S.]

JOINT RESOLUTION NO. 17.

Instructing the purchase of desks and chairs for the senate and assembly chambers.

Resolved by the senate, the assembly concurring, That the superintendent of public property is hereby authorized to purchase, by and with the advice and consent of the governor, desks and chairs for the assembly chamber, and desks for the senate chamber, in accordance with the plans and specifications hereto attached. The cost of same not to exceed the amount appropriated by this legislature for that purpose.

[Sketches of desks to be purchased as provided by this resolution, are given in exhibits "A" and "B," in the original document on file in the department of state.]

[No. 56, S.]

JOINT RESOLUTION NO. 18.

Providing for the application of the proceeds of judgments against past state treasurers to the funds in the state treasury.

WHEREAS, Judgments have been rendered in certain cases, and it is expected that other judgments will be rendered in the near future, in actions now pending in favor of the state of Wisconsin and against certain past state treasurers for the amount of the interest moneys arising from the deposit of the public funds and moneys of the state in banks, and otherwise, and collected by said past state treasurers, together with interest thereon; and,

WHEREAS, The judgments entered and to be entered in such actions cannot make provision for the application or distribution of the moneys so recovered, to the different trust funds, and other funds, in the state treasury, at the time such interest moneys accrued, but the proceeds of such judgments, as collected, must be paid into the treasury, to be credited and applied according to law; and,

WHEREAS, It may not clearly and accurately appear from the books of account in the office of the state treasurer, and from the official reports and statements made by such past state treasurers, the precise amount that should now be credited and applied to each such fund in the state treasury; now, therefore be it

Resolved by the senate, the assembly concurring: That the commissioners of public lands, with the approval of the governor, are hereby authorized to make such application and distribution, as to them shall seem just and proper, of the interest moneys already collected, or which may hereafter be collected, as the proceeds of any judgment in favor of the state against any past state treasurer, or his sureties, to the trust funds, and to the other funds now in the state treasury; and that the written order of such commissioners of the public lands, approved by the governor, directing the application and distribution of the proceeds of any such judgment to the different funds now in the state treasury, shall be conclusive in the matter, and shall be a final determination of the rights of all parties claiming in a representative capacity, or otherwise, the proceeds of said judgments, or any share or proportion of said interest moneys.

CERTIFICATE.

STATE OF WISCONSIN,)
Department of State.)

I, T. J. CUNNINGHAM, secretary of state of the state of Wisconsin, do hereby certify that the foregoing copies of laws, memorials and joint resolutions have been compared by me with the original enrolled acts, memorials and joint resolutions, deposited in this office, and that they appear correctly printed.

In testimony whereof, I have hereunto set my hand and affixed the lesser seal of the state, at the capitol, [L. S.] in the city of Madison, this 20th day of June, A. D. 1893.

T. J. CUNNINGHAM,
Secretary of State.

WISCONSIN CIRCUIT COURTS.

STATEMENT *showing the names and postoffice addresses of the Circuit Judges, and times and places for holding Circuit Courts in the several counties in Wisconsin, prepared in accordance with Sec. 2425, R. S.*

Salary of Circuit Judges, $3,600 per annum, and $400 for expenses.

The judge of any circuit may, by an order entered and recorded in the clerk's office, appoint one extra jury term of court, to be holden in any county in his circuit, when he shall deem such term necessary to complete the jury trials in such county during any year, and may cause jurors to be drawn and summoned as for other terms. At such terms the same business may be transacted as at a regular term of such court. In case there is pending in any such county an action of *quo warranto*, brought on the relation of the attorney general or a private person, wherein the defendant is or shall be charged with usurping any county office, or unlawfully withholding the same from the person entitled thereto, and an issue is formed in such action, sixty days or more before the time for holding the next ensuing regular term of court for said county, the judge shall appoint an extra term, and cause jurors to be drawn and summoned in the manner aforesaid for the trial of such action and for the transaction of such other business as the order may direct. Such order shall so provide that said term shall commence within thirty days after the entry of the same. At any term where any action of *quo warranto* shall be for trial, it shall take precedence of all other actions.—*Chapter* 141, *Laws of* 1895; *Chapter* 294, *Laws of* 1899; *Chapter* 336, *Laws of* 1891.

FIRST CIRCUIT.

JUDGE—FRANK M. FISH, RACINE.

Term expires first Monday of January, 1896.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Walworth	3d Monday in February 1st Monday in June 1st Monday in October	Elkhorn	Ch. 66, L. 1889
Racine	2d Monday in April 4th Monday in June 2d Monday in November	Racine	Ch. 66, L. 1889
Kenosha	3d Monday in March 2d Monday in June 2d Monday in September	Kenosha	Ch. 66, L. 1889

No jury shall be summoned for either of the terms to be held in this circuit in the months of June or August. Each term in this circuit shall also be a special term for the whole judicial circuit.—*Chapter* 32, *Laws of* 1879.—*See Chapter* 66, *Laws of* 1889.

SECOND CIRCUIT.

JUDGE—D. H. JOHNSON, MILWAUKEE.

Term expires first Monday of January, 1894.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Milwaukee	1st Monday in January 1st Monday in March 1st Monday in May 1st Monday in September 1st Monday in November	Milwaukee	Ch. 50, L. 1889

No jury shall be summoned for either of the terms to be held in this circuit in the month of June. Every term in the circuit shall be a special term for the whole judicial circuit.—*Section 2424, Revised Statutes.*

THIRD CIRCUIT.

JUDGE—GEO. W. BURNELL, OSHKOSH.

Term expires first Monday of January, 1897.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Calumet.....	1st Monday after 1st Tuesday of April 1st Monday in October.....	Chilton.....	Ch. 134, L. 1885
Green Lake....	3d Monday in January..... 2d Monday in June.....	Dartford.....	Ch. 133, L. 1891
Winnebago....	1st Monday in May..... 1st Monday in December.....	Oshkosh	Ch. 134, L. 1885
	SPECIAL TERMS.		
	1st Tuesday in February and September.....	Oshkosh..	Ch. 134, L. 1885

Each of the general terms of the circuit court in each of the counties in the said Third judicial circuit of Wisconsin, and the aforesaid special terms in the said county of Winnebago, shall also be and are hereby declared to be special terms of the circuit court in and for the whole of the Third judicial circuit of the state of Wisconsin.—*Chapter* 134, *Laws* 1885.

FOURTH CIRCUIT.

JUDGE—NORMAN S. GILSON, FOND DU LAC.

Term expires first Monday of January, 1899.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Sheboygan	2d Monday in April ..... 3d Monday in September.....	Sheboygan	Ch. 5, L. 1891
Manitowoc	Tuesday after 2d Monday in January Tuesday after 1st Monday in June...	Manitowoc	Ch. 5, L. 1891
Kewaunee.....	2d Monday in May ..... 3d Monday in October.....	Kewaunee.....	Ch. 5, L. 1891
Fond du Lac...	Tuesday after 3d Monday in February ..... Tuesday after 1st Monday in March. Tuesday after 1st Monday in July... Tuesday after 2d Monday in November....	Fond du Lac.....	Ch. 5, L. 1891

No jury shall be summoned for the terms in February and July unless specially ordered. Every term in the counties of Fond du Lac, Sheboygan and Manitowoc shall be a special term for the whole judicial circuit, at which any and all business may be done arising or pending in any county in said circuit, which might be done at a general term for the county in which such business arises or is pending, except the trial of issues of fact by a jury. The terms specified in section 2, shall be a continuation of all terms in the circuit which are not finally adjourned, and the court at the terms mentioned in section 2 shall have the same jurisdiction as to all judgments, orders or proceedings made or entered in any county which it would have if holding the term in the county at which such judgment, order or proceedings was made or taken, including the power to vacate, correct or otherwise change the same in the mode provided by law. The circuit court shall always be open for the transaction of all business in each of the counties in said circuit, from the beginning of one term until the beginning of the next term in the same county, and an order or direction for the adjournment of any term from day to day or to a specified day, and an entry thereof, shall not be necessary to the validity of any judgment, sentence, order or proceeding therein, but when no judge shall attend to hold court on the first day or any subsequent day thereof, the term shall stand adjourned from day to day until a judge authorized to hold the same shall attend. No term of court in said circuit shall be at an end until an express order for final adjournment is made and entered, and one term may be adjourned beyond the beginning of the next term in the same county.—*Chapter* 5, *Laws* 1891.

FIFTH CIRCUIT.

JUDGE—GEORGE CLEMENTSON, LANCASTER.

Term Expires First Monday of January, 1895.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Grant	3d Tuesday in February 2d Tuesday in October	Lancaster	Ch. 402, L. 1887
Iowa	4th Monday in March Last Monday in September	Dodgeville	Ch. 12, L. 1893
La Fayette	2d Tuesday in June 1st Tuesday in December	Darlington	Ch. 12, L. 1893
Richland	2d Tuesday in April 2d Tuesday in September	Richland Center	Ch. 402, L. 1887
Crawford	4th Tuesday in May 2d Tuesday in November	Prairie du Chien	Ch. 402, L. 1887

Every term in each of said counties shall be a special term for the whole circuit.—*Sec.* 1, *chapter* 402, *Laws* 1887.

SIXTH CIRCUIT.

JUDGE—ALFRED W. NEWMAN, TREMPEALEAU.

Term expires first Monday of January, 1895.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
La Crosse	3d Monday in May 2d Monday in November	La Crosse	Ch. 137, L. 1893
Monroe	2d Monday in April 2d Monday in October	Sparta	Ch. 2, L. 1893
Trempealeau	1st Monday in March 1st Monday in September	Whitehall	Ch. 2, L. 1893
Vernon	2d Monday in June 2d Monday in December	Viroqua	Ch. 2, L. 1893
Juneau	3d Monday in March 3d Monday in September	Mauston	Ch. 2, L. 1893

* Every general term in the several counties of said circuit shall be also a special term for the whole circuit.—*Section* 2, *chapter* 12, *Laws* 1891; *chapter* 137, *Laws* 1893.

SEVENTH CIRCUIT.

JUDGE—CHARLES M. WEBB, GRAND RAPIDS.

Term expires first Monday of January, 1897.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Portage	4th Monday in March 3d Monday in November	Stevens Point	Ch. 135, L. 1893
Waupaca	1st Monday in March 4th Monday in October.	Waupaca	Ch. 135, L. 1893
Waushara	Last Tuesday in April 3d Tuesday in September	Wautoma	Ch. 135, L. 1893
Wood	2d Monday in May 1st Monday in October	Grand Rapids	Ch. 135, L. 1893

EIGHTH CIRCUIT.

JUDGE—EGBERT B. BUNDY, MENOMONIE.

Term expires first Monday of January, 1897.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Buffalo	4th Monday of February 4th Monday of October	Alma	Ch. 350, L. 1889
Dunn	2d Monday of March 2d Monday of September.	Menomonie	Ch. 350, L. 1889
Pepin	3d Monday of April 3d Monday of October	Durand	Ch. 350, L. 1889
Pierce	Tuesday following 2d Monday of June Tuesday following 2d Monday of Dec.	Ellsworth	Ch. 350, L. 1889
St. Croix†	2d Monday of May 2d Monday of November.	Hudson	Ch. 350, L. 1889

† Will be 4th Monday March, 4th Monday September, after January, 1892.—*Chapter* 326, *Laws* 1891.

I hereby appoint special terms of said court to be held in each year at the times and places hereinafter named, viz.: At Eau Claire, Eau Claire county, on the first Monday of January; at Hudson, St. Croix county, on the third Monday of February; at Menomonie, Dunn county, on the first Monday of July; at River Falls, Pierce county, on the first Monday of September.—*Order of Judge Bundy, issued in compliance with the provisions of Chapter* 25, *Laws* 1879.

Every general term of the Eighth judicial circuit shall be a special term for the whole circuit. At any special term of said court herein provided for, any and all business may be done arising in any county in the circuit which might be done at any general term, except the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*.—*Chapter* 122, *Laws* 1889.

NINTH CIRCUIT.

JUDGE—ROBERT G. SIEBECKER, MADISON.

Term expires first Monday of January, 1897.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Adams	1st Tuesday in June 3d Tuesday in December	Friendship	Ch. 2, L. 1893
Columbia	2d Tuesday in May 4th Tuesday in November	Portage	Ch. 2, L. 1893
Dane	Monday after first Tuesday in April. 4th Monday in June 2d Monday in September	Madison	Ch. 2, L. 1893
Marquette	Tuesday after 2d Monday in November 2d Tuesday in June	Montello	Ch. 2, L. 1893
Sauk	2d Tuesday in March 2d Tuesday in October	Baraboo	Ch. 2, L. 1893

Every general term in the counties of Columbia, Dane, Juneau, Marquette and Sauk shall also be a special term for the whole judicial circuit. No jury shall be summoned for the term in June for Dane county.—*Chapter* 6, *Laws* 1891; *chapter* 2, *Laws* 1893.

Juneau county attached to Sixth judicial circuit.—*Chapter* 2, *Laws* 1893.

TENTH CIRCUIT.

JUDGE—JOHN GOODLAND, APPLETON.

Term expires first Monday of January, 1896.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Florence	1st Tuesday in March 3d Tuesday in September	Florence	Ch. 283, L. 1883
Forest	2d Tuesday in March 4th Tuesday in September	Crandon	Ch. 4, L. 1893
Langlade	3d Tuesday in March 1st Tuesday in September	Antigo	Ch. 134, L. 1885
Outagamie	2d Monday in October 3d Monday in April 1st Tuesday in February (special)	Appleton	Ch. 288, L. 1883
Shawano	4th Monday in May 1st Monday in December	Shawano	Ch. 297, L. 1889

All writs, venires, informations, summonses, recognizances, processes, motions, notices and other proceedings in said court, and all jurors summoned to attend notices of trial, and every and all proceedings pending, or to be heard on the day heretofore fixed, as the first day of such courts, or upon any day in such term, or heretofore fixed, shall be deemed and held returnable, recognized, obligated, cited to appear and noticed for hearing on the days herein fixed for the first day of said court, and shall be heard and disposed of as if returnable or noticed for hearing on the first day of such court as herein fixed, and any venire issued returnable, as the term of said court has been heretofore fixed, shall be deemed and held returnable for the first day of the term of said court as fixed by this act.—*Section* 2, *Chapter* 224, *Laws of* 1887.

Each of the general terms of the circuit court of the counties of Outagamie, Langlade and Shawano, and the special term in the county of Outagamie shall also be and are hereby declared to be special terms of the circuit court, in and for the whole of the Tenth judicial circuit of Wisconsin.—*Chapter* 134, *Laws of* 1885.

ELEVENTH CIRCUIT.

JUDGE—R. D. MARSHALL, CHIPPEWA FALLS.

Term expires first Monday of January 1895.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Barron	3d Tuesday in April 4th Tuesday in September	Barron	Ch. 2, L. 1891
Burnett	4th Tuesday in March 3d Tuesday in September	Grantsburg	Ch. 2, L. 1891
Chippewa	1st Tuesday in May 1st Tuesday in October	Chippewa Falls	Ch. 2, L. 1891
Douglas	3d Tuesday in February 2d Tuesday in August	Superior	Ch. 2, L. 1891
Polk	1st Wednesday after 1st Tuesday in April 3d Tuesday in November	Osceola Mills	Ch. 2, L. 1891
Washburn	3d Tuesday in March 2d Tuesday in September	Shell Lake	Ch. 2, L. 1891

TWELFTH CIRCUIT.

JUDGE—JOHN R. BENNETT, JANESVILLE.

Term expires first Monday of January, 1895.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Rock	4th Monday in January Wednesday after the first Monday in November	Janesville	Ch. 67, L. 1893
Green	1st Tuesday in March 3d Tuesday in June 2d Tuesday in October	Monroe	Ch. 67, L. 1893
Jefferson	1st Monday in February 2d Tuesday in June 3d Monday in September	Jefferson	Ch. 67, L. 1893

No jury shall be summoned for either of the terms in this circuit appointed to be held in the months of January and June. Every term of this circuit shall also be a special term for the whole judicial circuit.—*Section 2434, Revised Statutes.*

THIRTEENTH CIRCUIT.

JUDGE — A. SCOTT SLOAN, BEAVER DAM.

Term expires first Monday of January, 1894.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Dodge	4th Tuesday in September 2d Tuesday in February	Juneau	Ch. 55, L. 1882
Ozaukee	1st Tuesday in September 1st Tuesday in March	Port Washington	Ch. 55, L. 1882
Washington	3d Tuesday in October 3d Tuesday in March	West Bend	Ch. 55, L. 1882
Waukesha	1st Tuesday in December 4th Tuesday in May 4th Tuesday in August (Special) 1st Tuesday in February (Special)	Waukesha	Ch. 55, L. 1882

FOURTEENTH CIRCUIT.

JUDGE—SAMUEL D. HASTINGS, GREEN BAY.

Term expires first Monday of January, 1896.

COUNTIES.	TERMS.	WHERE HELD.	LAWS.
Brown	4th Monday in November* 1st Monday in March 1st Monday in June	Green Bay	Ch. 82, L. 1887
Door	1st Tuesday in February Tuesday after 1st Monday in September	Sturgeon Bay	Ch. 82, L. 1887
Marinette	2d Monday in January 1st Monday in May 1st Monday in October	Marinette	Ch. 82, L. 1887
Oconto	2d Monday in April 2d Monday in November	Oconto	Ch. 82, L. 1887

* Changed to last Monday in November.—*Chapter* 355, *Laws* 1891.

Every term in the counties of Brown, Oconto and Marinette, shall also be a special term for the whole judicial circuit.—*Chapter* 82, *Laws of* 1887.

The jurors for each term of court in the counties of Brown, Oconto and Marinette, shall be summoned to appear at or before the hour of nine o'clock A. M., on the second day of the term. —*Chapter* 82, *Laws of* 1887.

FIFTEENTH CIRCUIT.

JUDGE—J. K. PARISH, MEDFORD.

Term expires first Monday of January, 1894.

COUNTIES.	TERMS.*	WHERE HELD.	LAWS.
Ashland	4th Monday of March 1st Monday of June 3d Monday of September 1st Monday of December	Ashland	Ch. 18, L. 1891
Bayfield	1st Wednesday of April 1st Monday of October	Bayfield	Ch. 18, L. 1891
Iron†	Circuit judge to appoint	Hurley	Ch. 8, L. 1893
Price	3d Monday of May 3d Monday of November	Phillips	Ch. 18, L. 1891
Sawyer	Last Monday of May Last Monday of November	Hayward	Ch. 18, L. 1891
Taylor	1st Monday of May 1st Wednesday of November	Medford	Ch. 18, L. 1891

*Terms of court in this circuit changed by chapter 164, laws 1891, after January, 1892.
†Forms part of Sixteenth judicial circuit after January, 1892.—*Chapter* 41, *Laws* 1891.

No jury will be empaneled at the March or September terms of the court for Ashland county, unless the judge of said court shall in his discretion at least thirty days prior to the convening of said terms file a written order with the clerk of said court requiring a jury to be empaneled. The several general terms of court in each county of said circuit shall be a special term for all other counties in said circuit. This act shall take effect and be in force from and after its passage and publication, and all acts or parts of acts in conflict with this act are hereby repealed.—*Chapter* 18, *Laws* 1891. *See Chapter* 164, *Laws* 1891.

SIXTEENTH CIRCUIT.

JUDGE—CHAS. V. BARDEEN, WAUSAU.

Term expires first Monday of January, 1898.

COUNTIES.	TERMS. (After first Monday in January, 1892.)	WHERE HELD.	LAWS.
Lincoln	1st Monday of January 2d Monday of June	Merrill	Ch. 41, L. 1891
Marathon	1st Monday of May 2d Monday of July 2d Monday of November	Wausau	Ch. 41, L. 1891
Oneida	2d Monday of April 1st Monday of November	Rhinelander	Ch. 41, L. 1891

Each term held in any of said counties shall be a special term for the other counties of said judicial circuit; provided, however, that until the judge of the Sixteenth judicial circuit shall be elected, qualified, and his term of office shall have commenced according to law, said counties shall be considered as attached to the judicial circuits to which they have heretofore belonged, and until such time as the judges of such judicial circuits shall continue to hold court in the several counties named in the same manner, and at the same time, and with the same force and effect as if this act had not been passed.—*Chapter* 41, *Laws of* 1891.

Iron county created out of part of Oneida county, and made part of Fifteenth circuit.—*Chapter* 8, *Laws of* 1893.

SEVENTEENTH CIRCUIT.

JUDGE—WM. F. BAILEY, EAU CLAIRE.

Term expires first Monday of January, 1896.

COUNTIES.	TERMS. (After first Monday in January, 1892.)	WHERE HELD.	LAWS.
Clark	3d Monday of April 2d Monday of December	Neillsville	Ch. 277, L. 1893
Eau Claire	3d Monday of March 3d Monday of September 2d Monday of December 2d Monday of June*	Eau Claire	Ch. 277, L. 1893
Jackson	1st Monday of March 1st Monday of September	Black River Falls.	Ch. 277, L. 1893

* The June term in Eau Claire county is special for this circuit.

The several general terms of court in each county of said circuit shall be special terms for the whole Seventeenth judicial circuit, and any and all business arising or pending in said Seventeenth circuit or in any of the counties thereof, may be done at such special term which may be done in the general term thereof, excepting the trial of issues of fact by a jury in cases other than those arising in actions of *quo warranto* and *mandamus*. Until the first Monday in January, 1892, the several counties composing the Seventeenth judicial circuit shall, for judicial purposes, remain parts of the judicial circuits to which they are now attached, and until that time the respective judges of said circuits shall continue to hold the terms of court as heretofore. All laws or parts of laws conflicting with any of the provisions of this act, are hereby repealed, so far as they conflict with this act, and no further.—*Chapter* 47, *Laws* 1891.

INDEX

TO THE

SESSION LAWS

OF THE

STATE OF WISCONSIN,

Enacted by the Legislature During the Years 1879, 1880, 1881, 1882, 1883, 1885, 1887, 1889, 1891 and 1893.

WITH REFERENCE TO SECTIONS OR CHAPTERS OF THE

REVISED STATUTES,

AMENDED, ENACTED OR REPEALED.

Prepared and published under the supervision of the Secretary of State, in compliance with Chapter 51, Laws of 1883.

Subject Matter of Law	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ABANDONMENT—(See Desertion. Children):											
of children, punishment of father for, and of husband for, of wife.					200		422	318	321		
ABDUCTION, ETC.:											
penalty for, of any woman of previous chaste character								214	420		
same for, of previous chaste character for purpose of prostitution									396		
ABERT, GEORGE A.:											
appropriation to						27					
ABUSIVE LANGUAGE:											
use of, when punishable under city or village ordinance, general law not applicable	4398				189						
ABSTRACTS—(See Guarantee Companies):											
of tax sales in Columbia county				104							
of title in Outagamie county				200							
of tax sales in Waupaca county						161					
of tax sales in Shawano county						235					
county clerk to prepare, of sales of land in county with consideration received and assessed valuation for county board	1007						64				
county board to procure, records of other counties affecting title to real estate in their county	670						155				
ABUTTING OWNERS:											
rights of, on highways, etc., defined									258		
how condemned									255		
ACCIDENTS:											
to prevent to operatives in manufacturing establishments										226	
to co-employes, liability for	1816								193		220
ACCIDENT INSURANCE COMPANIES:											
allowed to do business in Wisconsin				105	227						
may invest funds in county bonds				105							

[redacted] with insurance commissioner, or deposit security with the state treasurer 227
commissioner of insurance to examine into affairs, etc., of, when applying for license, assets, etc., how computed 1917, 1915, 1919 546
when insurance commissioner may authorize, to do business in this state on mutual or on assessment plan 503
to provide for organization and management of, for insuring property against accidents other than by fire and lightning 1896 299
when certain corporations may do business as, on assessment plan 440

ACCOUNTS:
against state for care of insane, how settled 276 461
of board of control, allowance of, for clerk hire 279

ACKLEY:
town of, Lincoln county, organized 170
boundaries defined 116
to detach from, and erect town of Eagle River 229

ACKNOWLEDGMENTS:
of deeds in foreign countries 2220 194
of deeds, etc., may be taken and certified by commissioner of United States courts 9
of deeds, may be taken by registers of deeds 2216 129
by ward, of satisfaction of claims against guardians, may be recorded 192
certain instruments defectively acknowledged, declared valid 335
defective in, conveyances cured after twenty years record ..... 404 ..... 288 26
of conveyances heretofore executed according to laws of other states, etc., but not of this, when valid 2219 293
of voluntary assignment, how made 1695 276

ACTIONS—(See Cities, Counties and Municipalities):
when may be tried at special terms in 8th circuit 122
against municipal corporations for injuries from defective highways, etc. 471
against owner of steam engine for damages to highway 409
for injury to person or character of married woman, who may maintain 2345 98
on city, town and school orders, when may be brought 240
for divorce on grounds of insanity, proceedings in ..... 2350 ..... 297 220
against towns, when statement of claim to be filed 824 163
in equity for nuisance, when to be maintained 3180 190
to recover possession of logs or timber wrongfully cut, measure of damages in ..... 4269 ..... 239 95
when defendant to serve affidavit on plaintiff offering to allow judgment in 95
to recover lands sold for taxes, or set aside tax deeds, limitation of; pleading ..... 1210d ..... 250 ..... 153 133
to bar original owner of lands sold for taxes, how defendant may answer. Deposit; rate of interest reduced 1200 189
to enforce liens on logs and timber; parties defendant; appeals and judgment thereon 273
for conversion of personal property; interpleader in 2610 41

Subject Matter of Law.	Revised statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ACTIONS—Continued:											
to test validity of order organizing or changing boundaries of towns, when and how brought	674					54					
to collect wages in justices' courts; when plaintiff not required to give security for costs						223					
involving title to lands heretofore held and sold and conveyed by state, when maintained; proceedings therein						278					
trial of, against railroads	2619⁴						111				19
notice of pendency of, how discharged											
trial by referees	2865										242
to recover lands heretofore sold for non-payment of taxes, when tax title claimant has paid taxes thereon, limitation of							183				
the provisions of section 1210b, R. S., and amendments to extend to, include and be applicable to, heard and determined upon default as well as on issue joined							219				
limitation of, to invalidate certain tax deeds							301				
to recover illegal taxes paid, plaintiff must show that he has paid more than his equitable share	1164						341				
tort (except slander and libel) may be brought by and against executors or administrators	3252						368				
for injury against any county, town, city or village brought under section 1339 damages recoverable, limited to $5,000							454				
relating to survival of	4253							280			
to enforce liens on logs, where bought, etc. (See Liens)	3333								454		88
on official bonds, when to be commenced											268
relating to real estate, to quiet title	3186										88
venue of, in trespass on public lands										r377	69
of ejectment, defendant protected in											282
against insurance companies, may be consolidated											235
offer of judgment in											39
ADAMS COUNTY:											
authorized to aid in construction of railroads	3627				300						
certain towns in, authorized to aid in construction of a bridge across Wisconsin river						186					
relating to amount due, for sale of swamp lands in, under chapter 90, laws 1865								492			

price of public land in reduced									365		
terms of circuit court in										6	11
ADAMS COUNTY AGRICULTURAL SOCIETY AND MECHANICS' INSTITUTE:											
appropriations to				68							
ADDITIONS:											
to city of La Crosse, vacation of certain						212					
ADJUTANT GENERAL—(See National Guard):											
governor and, authorized to compile, perfect and re-copy records in office of, pertaining to late war							244	540			
may employ extra clerks							244				
to examine methods of other states							244				
roster to be printed and distributed							244				
stereotype plates may be purchased							244				
compensation of							244				
appropriation							244				
relating to printing and distribution of report of							303		526		
report of national guard, how distributed by							404				
to distribute second edition of roster, etc								540			
may employ clerks with governor's approval	616						439				
to be furnished with blanks and stationery	616						439				
govenor may fix pay of, for special services when under orders	616						439				
to perform duties of state agent for pensions									382		
stationery and postage to be furnished									382		
ADMINISTRATORS—(See Executors and Administrators. Special Administrators.)											
when appointed, as one having cause of action	3807										30
ADOPTION OF CHILDREN:											
relating to	4021, 4022, 4024							45			63
ADULTERATION—(See Butter, Cheese, Vinegar):											
of food, drugs and liquors; penalty for		248									
terms "food" and "drug" defined		248									
of food and medicine; analysis provided for			252								
of food; imitation butter and cheese and adulterated honey to be so marked				40			361				
of drugs, etc., penalty for					167						
of illuminating oils; penalty for			269								
proof of, of butter and cheese, how made									344		
ADVERTISEMENTS:											
deceptive, by fire insurance companies	1946				166						
AFFIDAVITS:											
of sale of certain mortgaged premises in Portage county sufficient								233			
may be made by any person having knowledge of the same, when	3586[2]							267			

Subject Matter of Law	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
AFFIDAVITS—Continued:											
in highway proceedings, supervisors and commissioners may certify	1299			273							
taken out of state, sufficiently attested by certificate of notary public with seal	4208					119					
when town chairman may take						147					
in attachment or garnishment, amendment of						249					
what to state	3702[2]							191			
of persons serving notice presumptive evidence of service, when										286	
AGENTS:											
of Wisconsin Humane Society, to have certain police powers			170							292	
of state public school, appointment of										259	
AGRICULTURAL CORPORATIONS:											
exhibition grounds of exempt from taxes											110
AGRICULTURAL FAIRS—(See Agricultural Societies):											
relating to gambling at								181			
AGRICULTURAL INSTITUTES:											
to provide for holding and making appropriation therefor							9	62			
AGRICULTURAL EXPERIMENT STATION:											
establishment of, at University	390					390					
printing and distribution of report of							435		526		
bulletins and reports of, to be illustrated								146			
AGRICULTURAL MACHINERY, DEALERS IN:											
not required to take out license for himself or employes, to sell, kept by him in stock					218		203				
AGRICULTURAL, MECHANICAL AND INDUSTRIAL FAIRS:											
annual appropriation to	1463								234		
conditions imposed, etc	1463								234		
AGRICULTURAL SOCIETIES—(See County Agricultural Societies):											
annual appropriation to the various	1463								234		
conditions imposed, etc	1463								234		

when entitled to state aid	1465	942						531			
appropriations to various								543	234		
president or other representative of the several, of state, to attend state fair							194				
secretary of state not to draw warrant for appropriation to, until sworn statement is filed with him signed by president and secretary of, that no gambling has been permitted on grounds of, during fair							399	181	234		
or authorized or permitted the sale of liquor on said grounds	1463						437				250
penalty for fraudulent entry of horses at, to compete in races for premiums										279	
relating to stock of Wood Co.											95
state, authorized to borrow from trust funds											184
AGRICULTURE:											
publication of report of, department of University				124		28 320	435		526	249	
experiments in amber cane, ensilage, etc., authorized				211	233	92					
actual settlers allowed to enter 200 acres of state land for purpose of						332					
AHNAPEE.											
city incorporated		120									
city charter of, amended			124	182		71 247	258	261 545	324	145	
to build a bridge across Ahnapee river					236						
to build a dam across the Ahnapee river						200					
AHNAPEE RIVER:											
bridge across, at Ahnapee					236						
bridge across, at Ahnapee						200					
bridge across, on county line between Door and Kewaunee counties								143			
dam across, Door county							70				
AHNAPEE, TOWN OF:											
town of Forestville, Door county, and, to build bridge across Ahnapee river, on county line								143			
state road in								550			
AHNAPEE AND WESTERN RY. CO.:											
authorized to bridge Sturgeon bay											13
AID OR BENEFIT ASSOCIATIONS:											
service of process on										252	
ALDEN, TOWN OF:											
authorized to borrow portion of trust fund of state to aid in building railroad, conditions of loan							143				
ALDERMEN:											
in city of Ripon, election of						106					

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ALIENATION OF REAL ESTATE:											
how long may be suspended	2039							551		359	
ALIENS:											
to prohibit, from acquiring or holding more than 320 acres of land in this state								479			
ALLEY—(See Milwaukee):											
vacating a certain, in city of Milwaukee								134			
legalizing acts of council in									232		
vacating an, in La Crosse									514		
vacating of, in villages	904									174	
ALMA:											
Buffalo county, ferry across Mississippi river at				241							
city of, incorporated							76				
charter amended							358		48		
ALMSHOUSE:											
indigent Union Soldiers, sailors, etc., not to be confined in								518			
ALTERATION:											
of boundaries of joint school districts—(See Joint Districts)					280						
ALTOONA:											
city of, incorporated								331			
charter amended								397			
AMBER CANE:											
experiments in cultivation of, and manufacture of sugar from, authorized				211	233	92					
AMBERG, TOWN OF:											
created in Marinette county out of Peshtigo and Wausaukee towns										161	
first town meeting in										161	

AMENDMENT:
to revised statutes, since revision, see appendix "A"; to session laws, see appendix "B"; see Constitution
to state constitution for biennial sessions of legislature ... 262
to state constitution, as to qualification and registration of electors to be submitted ... 273
to state constitution for biennial general elections ... 290
to state constitution, relating to special legislation for cities ...
of complaint in actions to recover lands sold for taxes or set aside tax deed ... 1210d 153 869

AMERICAN LEGION OF HONOR:
exempt from laws governing life insurance companies ... 249

AMHERST:
act authorizing town of, to build town hall, repealed ... 60

AMINICON RIVER:
and adjacent waters, Douglas county, improvement of ... 311

ANALYST, STATE:
appointment, term of office and compensation ... 252
to analyze food, drugs and liquors ... 252
who may submit same for analysis ... 252
seller to be notified of analysis ... 252
penalty for refusing to sell ... 252
report of ... 252

ANCIENT ORDER OF UNITED WORKMEN:
not to be insurance company within meaning of general laws of state ... 477

ANDERSON, GILBERT, ET AL.:
appropriation to ... 529

ANDREAS, F., & COMPANY,
city of Milwaukee authorized to pay claim of ... 400

ANIMALS:
to prevent spread of infectious and contagious diseases among domestic ... 467 76
regulating use of, for purposes of procreation ... 35
penalty for so using in view of street, etc ... 35
justices to have jurisdiction ... 35
infectious swine not to be brought into the state ... 1492 121
penalty for baiting and fighting, duty of officers, etc ... 4445 *a b c* 347

ANIWA:
town of, created, Shawano county ... 393

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Charters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ANNOTATED STATUTES OF WISCONSIN—(See Sanborn & Berryman's):											
Sanborn and Berryman's, to be known as and received in evidence									223		
providing for purchase of; duty of superintendent of public property in distribution of same										205 352	
same											53
same											267
same											299
ANTI-TRUST:											
law against trusts											219
ANTIGO:											
town of, Langlade county, boundaries defined				7							
acts of school officers of, legalized						57					
city of, incorporated							79				
charter amended							323	173	107	163	
extending time for holding charter election 1887 in								204			
ANNUITY COMPANIES:											
incorporation and management of										263	
APPEALS:											
from police justice or justice of the peace in village lying in two or more counties may be taken to circuit court in county where offense is committed								211			
from award of damages in proceedings to lay out county road	1804	194				336					
from refusal to lay out or alter county road	1802					85					
from commissioners in highway proceedings	1280			137							
from determination of jury relating to encroachments	1336					81					
from order of town board in laying out highway	1224							210			
in proceedings for alteration of joint school districts					280						
from justices' courts (see justices' courts); in forcible entry and unlawful detainer	3868		191							248	
from order judgment decree, etc., of county court, how taken											
from justice courts; judgments on, to be docketed in and executed under process of appellate court	3769									216	

APPEALS—Continued:
in Milwaukee county, payment of clerks' fees on 108
relating to fees of clerk of circuit court on ..... { 3754 3768 } 166
to supreme court; simplification of ..... ch. 159 49
costs on, in, on reversal to be paid by plaintiff on defendant's appeal and cause to be remitted or complaint will be dismissed—when 478
from report in condemnation of land for county buildings 306
from decisions of state board of supervision, etc 233
from decisions of appraisers under 1237 46
from findings of railroad commissioner 459
respondent may except to sufficiency of sureties therein within twenty days after service of undertaking on 3065 116

APPLE RIVER:
dam across, Polk county ..... { 254 283 } 113
dam across, St. Croix county 135
dam across, Rice Bed Stream, a fork of Polk county 218

APPLE RIVER—TOWN OF:
authorized to borrow portion of trust funds of state to aid in building railroad, conditions of loan 143

APPLE RIVER LOG DRIVING CO.:
charter of, amended 134
act repealed 72

APPLETON:
city charter of, amended ..... 148 { 114 187 } 323 441 120 466
to establish public school system in city of 187
may borrow trust funds 223
to establish board of public works in city of 323
to provide for a system of sewerage in city of 323

APPLETON CEMETERY ASSOCIATION:
authorized to remove dead from cemetery of, etc., may sell grounds 90

APPLETON VOLKSFREUND:
repealing act requiring election notices to be published in 340

APPORTIONMENT:
of state taxes 1069 124
certificate of, when to be sent various county clerks 1070 368
of school moneys by state superintendent 389
OF STATE:
into senate and assembly districts 242 461 483

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
APPORTIONMENT—Continued.											
relating to assembly districts in Dane county					244					433	
into congressional districts										433	
in case of ommission from, to be attached to adjoining district, when						338					
of indebtedness between town and village incorporated from territory thereof											
of the five per centum of gross earnings of North Wis. R'y under ch. 22, laws of 1879, in Burnett county								475	469		
APPRAISERS:											
providing for appeals from decisions or determination of, under sec. 1237	1237a						46				
APPRAISEMENT:											
of exempt property seized on execution						69				427	
appeals from, of appraisers	1237a						46				
APPROPRIATIONS:											
Personal:											
to Abert, Geo. A.						27					
Anderson, Gilbert, et al									529		
Baetz, Henry		149									
Baker, Joseph								18			
Baker, Mrs. Ellen M., and children					304						
Baldwin, A. W.					58						
Battis, M. T.		103									
Bechtner, Paul										219	
Bell Telephone Company			145								
Bentley & Nolan							370		495		
Blesser, Adam		172									
Brown, Neal										219	
Cantwell, M. J.							390				
Carey, Mrs. John									99		
Coleman, Mrs. Margaret					389						
Comly, Richard W.					311				450		
Davison, James		210									
Davidson, J. O.											205
Delegh e, F. A.											199

APPROPRIATIONS—Continued:

Devoe, Amos						198						
Edwards, James		80										
Egan, M. J						306						
Elmore, Andrew E									116			
Erwin, C. K									98			
Farland, A. W		198										
Feld, C. R									68			
Fellows, R. R			213									
Fetzer, John										347		
Fielding, James									518			
Filz, Joseph												204
Fisher, J. E												198
Foster, William									518			
Fyler, De Witt C		74										
Gallagher, E		193										
Gilbert, W. C								84				
Glenz, Adolph, et al							387					
Gomal, William									504			
Goss, B. F												244
Gray, A. L									88			
Grubb, W. S					8							
Haben, Andrew					8		51					
Hadfield Company									504			
Hall, A. B												25
Hayes, Hiram		195										
Helfenbolt, W. J			306									
Henwood, V. A							234					
Hilker, A., and others									504			
Hill, James						27						
Holton, Edward D								204				
Hooker, C. E									98			
Isenring, Frederick									240			
James, William			80									
Jones, John										330		
Johnson, Wm. W		249										
Kavanaugh, Eddie				264								
Kempf, John J									240			
Kirst, Louis												158
Kennedy, Thomas						359						
Keyes, Mrs. C. L							418					
Kidd, Edward T								114	91			
Kinnaer, Andrew									504			
Kunkel, Marie										471		
Lander, Warren J										207		
Legler, H. E									91			
Leonhardt, Ch						242						
Lichter, John									504			

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	189[illegible].
APPROPRIATIONS—Continued.											
Personal:											
to Littlejohn, N. M.									529		
Laughlin, Mary											239
Lounsbury, J. E.											297
Maine, George								58			
McCloskey, Henry F.						279					
McDonald, Arthur									504		
McGrew, J. B.				4							
McMellen, George B.			81								
May, Robert			103								
Mead, William H.										209	
Melvin, Mrs. Louis A.										459	
Morse, J. F.		193									
Moulton, Henry Z.					58						
Monroe, W. S.						121					
Norcross, Pliny							51				
Knott, K. A.						211					
O'Rourke, M. L.									193		
Oehler, A. and Otto								27			
Osborn, C. F.										219	
Parry, W. T.							51				
Paul, Geo. H.			45								
Perkins, Jas. W.								114			
Perry, Geo. W.			39								
Pettys, E. J.		138									
Prochnow, Theo.											216
Rasmussen, J. J.						27					
Rademacher F. G.											212
Rosencrans											211
Rossman, Phillip										209	
Richardson, H. Stone									194		
Ryan, Caroline W.				301							
Sanger, Rockwell & Co.									504		
Sawyer & Weston				4							
Scofield, E.										848	
Schubert, Wenzel								20			

Schuler, Fred C								114	91		
Sherry, Henry					46						
Shoner, Frank		193									
Simpson, Edward B					8						
Smith, P. H				4							
Smith, J. M.											25
Spear, Geo. O						173					
Spooner, John C		195									
Stein, C. R. & Co									504		
Sutherland, George E				4							
Tarr, Sarah Jane		97									
Tate, Geo. E								142			
Techmer, Otto C								28			
Thiel, John		221									
Thomas, John							19[illegible]				
Trumbull, John									529		
Vroman & Mason									504		
Waite, C. M.									504		
Wall, Edward C		222									
Watson, Annett H							268				
Weirick, John		76									
Wells, James S		1[illegible]									
Wells, O. E											178
Wetherby, David			80								
Wilhelm, Michael										185	
Wunderlich, G. H											217
Yahr, F. T											25
To Agricultural, Mechanical, Horticultural Societies, Etc	1403							542	234		
to Adams County Agricultural Society				68							
to Boscobel Agricultural and Driving Park Association								542			
to Central Stock Growers' and Industrial Association								542			
to Central Wisconsin Agricultural and Mechanical Association			149		149	117	157	542			
to Central Wisconsin Sheep Breeders' and Wool Growers' Association								301			
to Clark County Agricultural Society					148						
to Columbia County Agricultural Society							84				
to Columbia County Wool Growers' Association								340			
to Columbus Union Fair Agricultural Society		75									
to Dane County Agricultural Association								542			
to Eastern Monroe County Agricultural Society			120								
to La Fayette County Agricultural Society						13					
to Lodi Union Agricultural Society		75									
to Milwaukee Industrial Exposition Association							450				
to Northern District Agricultural and Industrial Association								542			
to Northern Wisconsin Agricultural and Mechanical Association		73	122	125	243	110	156	512			
to Pierce County Central Fair and Stock Exchange							313				
to Southeastern Wisconsin Sheep Breeders' and Wool Growers' Association								290			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
APPROPRIATIONS—Continued.											
to Southwestern Wisconsin Industrial Association			302		195	122	191	542			
to Wisconsin Industrial Association							208	542			
to Wisconsin State Firemen's Association											58
to State Agricultural Society		72	148	129	294	109 146	194	485	428		
to Wisconsin Dairymen's Association			17	135	108	72	59	72	411	197	
to State Horticultural Society		151	121	131	109	56	86	8			117
to Wisconsin Wool Growers' Association				69							
to Wisconsin Wool Growers' and Sheep Breeders' Association					118	120	69	282			
To Counties:											
to Burnett county				322							
to Green Lake county		215									
to Jackson county										281	
to Jefferson county										101	
to Kewaunee county			164								
to Outagamie county		217									
to Winnebago county		253									
To Governor's Contingent Fund		17		11	28	34	35	379	100	253	52
To High Schools:											
at Baraboo						14					
at Boscobel				210							
at Brodhead						14					
at Eau Claire						14					
at Marinette						14					
at Stoughton				304							

LEGISLATIVE:											
stationery and stamps for employes		113	41	32	25 237						
for compensation of legislative employes							408		522	585 475	
pay for extra employes		85	20	14	5	179 264	126	7 348	14 100		
for chaplain services			100	47	309	334	446	141	194 201	232	800
for purchase copies of annotated statutes of Wisconsin for certain members of assembly and legislative employes										352	
increasing per diem of certain employes, session 1887								501			
same 1889									500		
for completing transcribing of senate and assembly journals		64	39	51	27						
expenses, legislative visiting committee					8	27	51	114	91	219	
expenses special committee for investigation of state hospital				4							
expenses of investigating committee under joint resolution No. 21, S.								506			
same under joint resolution No. 12, A									513		
expenses of Sturgeon Bay Canal investigating committee										816	
LEGISLATIVE:											
expenses of committee on prison labor under joint resolution No. 24, A								507	98		
pay of clerk joint committee on incorporations									484		96
stationery for members, etc		69	90	173			413	3	7		80
railroad maps for certain members of										117	
for chairs and desks											804
TO STATE INSTITUTIONS, COMMISSIONS, ETC.:											
funeral expenses of F. W. Horn and D. A. Mahoney											247
to blind institute		139	46	203	33	142	71	83	57	257	152
to board of state canvassers			318								
to commissioners of fisheries		15	64	38	49	52	24	9	9	207	
to deaf and dumb institute		133	47 115 116	285	4 33	142	71	83	57	257	152
to industrial school for boys		134	103	281	33	143	71	83	57	257	152
to industrial school for girls			141	310	305	285	451	482	75	247	152
to pay special assessment									418		152
to northern hospital for insane		131	253	283	4 33	142	71	83	57	257	
to soldiers' orphans' home		119									
to state board of control										221	
to state board of charities and reform						201		408			
to state board of health		16					107	452	61		
to state board of immigration				222							
to state board of supervision					298			437	125		
to state historical society			103	279			31	396			
to veterans' home at Waupaca											248

SUBJECT MATTER OF LAW.	Revised Statutes amended or repealed.	GENERAL LAWS—YEARS, CHAPTERS AND AMENDMENTS.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
APPROPRIATIONS—Continued:											
to state hospital for insane		130	259	288	4 33	142	71	88	57	257	152
to state library					35		123				
to state prison					4 33	142		88	57	257	152
to state university				211 281	283 293	28 92	282	25 418 500	282 504	29	280
improvement of ladies' hall									410		280
stationery for state officers, departments, etc		89	90	178	71	58	413	3	7	13	86
state public school							377 557	52	57	257	152
MISCELLANEOUS:											
for world's fair at Chicago										433	140
to board of regents of normal schools at Platteville and Whitewater for extending buildings										400	
for payment of claims of persons injured in capitol disaster								457			
to Wisconsin veterans' home for maintenance of inmates, etc								518		393	248
same to pay indebtedness, etc									264		
for expenses of attorney-general in prosecution of insurance companies, etc								517			
same of insurance commissioner									520		
salary and expenses of state fish and game warden										436	
state aid to county agricultural societies	1405							191			
for statue of Pere Marquette								544			
expenses of text-book commission		24									
for purchase of state maps		56									
to attorney-general to pay certain costs		110									
expenses securing certain lands for state		175									
for purchase of copyright of town laws		195									
for funeral expenses, John Potter, Jr., and George L. Frost		196								421	
for funeral expenses of John Edwards							144		282		
state pension agent									282		
stationery, etc., for adjutant general and quartermaster general											

for purchase of volume 3 of Simmons' Digest		206										
same, vol. IV of							498					
for purchase of Webster's dictionaries			23	25	45							
for purchase of biographical sketches of members of constitutional convention			275									
to provide for participation of Wisconsin in Yorktown centennial celebration				277								
for teachers' institutes	408					214	7			462		
for holding agricultural institutes							9	62				
not to be paid to agricultural societies until sworn statement is filed in office of the secretary of state, signed by president and secretary, that gambling or sale of liquor has not been permitted on grounds of society during fair	1403						437 399	181	234			
for lighting capitol building and grounds with electric light							145					
for compilation of town laws							298					
for compiling, perfecting and re-copying records in adjutant general's office pertaining to rebellion							214					
for second edition of roster								540				
Sanborn and Berryman's supplement to revised statutes							269	24	15			
same of annotated statutes of Wisconsin										205	299	
to purchase certain copies of History of Territory of Wisconsin							285					
for contingent fund for prevention of Asiatic cholera							295	452	64		238	
for battery of light artillery							204					
for instruction to deaf mutes in incorporated cities and villages							315					
for purchase of executive residence							324					
for fifth normal school							364					
for state public school for dependent and neglected children							377 457	52			152	
for purchase of machinery to carry on manufacturing at Wisconsin state prison								437				
for salary and expenses of fish wardens							455	520				
same for game wardens								400				
for salary and expenses of dairy and food commissioner									452			
to Grant county to pay judgments and costs vs. state for care of insane									469			
to prevent spread of infectious and contagious diseases among domestic animals							477	76				
for experiments in amber cane, ensilage, etc				211	233							
for state veterinarian								76				
for publication of blue book				33			118	284	421	333		
to Unity guards					17							
to a certain corporation or corporations (unspecified)					198							
to assessors of city of Milwaukee					12							
for annual publication of railroad maps					161	258		22	373	256		
to national guard					102		439					
for purchase of ground for camp, etc., at Camp Douglas									124			
for maintenance of Wisconsin rifle range										334		
for stereotype plates for blue book					191							
to defray expense erecting levee in town of Lewiston, Columbia county					138							
for illustrating reports and bulletins of Agricultural Experiment Station at University								146				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879	1880.	1881.	1882.	1883.	1885.	1887.	1889	1891.	1893.
APPROPRIATIONS—Continued:											
Miscellaneous:											
of circuit judges salary	170						243				
for expenses									263		
law reports									187		
for securing exhibit of condition and work of public schools at National Centenary School Exposition								184			
for shelving rooms of State Historical Society								895			
director of Washburn Observatory								418			
for construction of additions to capitol					252						
for creation of bureau of labor statistics						819					
for salary of assistant factory inspector, office rent, etc								451			
for settlement with employes of								134			
extra clerk for state superintendent								358		465	
for payment to persons for drafting bill for incorporation of cities by general law								869			
for purchase of certain copies of Shepard's Digest						243					
to certain high schools (unspecified)						302					
to aid in sale of certain swamp lands						332					
for extra work and material on capitol extension						358					
for monuments to deceased soldiers	670				503						
standing	172	194									
standing, to board of immigration			194								
for state exhibit at New Orleans Exposition							13				
to Gettysburg Battlefield Memorial Association, and for expenses of commission								48			
for proof reader to supreme court reporter								61			
for expenses of commission to centennial celebration of Washington's inauguration									52		
pay of additional clerks for state superintendent									157		
one per cent. of railroad license tax, etc., to department of mechanical arts, university									282		
salary deputy railroad commissioner									281		
law books for attorney general's office									305		
for muster of additional companies into National Guard									333		

for summer school at university									458		
expense of publishing notices required to be paid out of general fund									523		
for amount due Dane, Juneau, Kewaunee and Manitowoc counties on proceeds of sales of swamp lands									220		
to pay for firing salute of one hundred guns on Washington's birthday										354	
from drainage fund to pay indemnity land money to town of Caledonia										121	
for circulating library for the blind											290
to purchase "Camp Randall"											280
ARBOR DAY:											
Governor to designate									417		
ARCADIA, TOWN OF:											
authorized to borrow from trust funds of state			34								
extending time for payment of principal and interest by						193					
ARCHÆOLOGY:											
negotiations for purchase of Perkins' collection authorized				275							
ARCHITECT:											
penalty for drawing plans or superintending erection of building without providing fire escape, etc								46			
lien of, for services, extended to	3314							422			
AREA:											
of villages	851			92							
ARENA:											
to legalize action of board of supervisors of town of		2 47									
ARMED MEN:											
not allowed to protect property											163
ARMORIES:											
exemption of, from taxation					162						
armory and drill room for University of Wisconsin, tax to be levied to build										29	
ARMORY COMPANIES:											
Eau Claire Light Guard may borrow money form trust fund											177
Evergreen City, may borrow money from trust fund											157
ART GALLERIES, PUBLIC:											
when exempt from taxation									319		
ARTICLES OF ASSOCIATION:											
on reorganization of certain corporations on assessment life insurance plan, what to contain, to be filed with register of deeds and secretary of state	1771									440	
fees for filing with secretary of state	1772					241					

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	18 2	18 3	1885.	1887.	1889.	1891.	1893.
ARTICLES OF ASSOCIATION—Continued:											
no fees required for filing of, corporations organized for benevolent, charitable or reformatory purposes	1772						353				
ASHLAND, CITY OF:											
incorporated								127			
charter, amended								403	27, 410	103	
municipal court for, and county created									94		
who eligible as judge of									315		
granting U. S. jurisdiction over certain lands in										412	
ASHLAND COUNTY:											
granting U. S. jurisdiction over certain lands in										412	
when wild deer may be taken in			r 114						367		
repealed									367		
excepted from certain provisions relating to taking of brook trout				209			r 471		369		
repealed									369		
state road in, to Glidden					321	186					
state road in, to Glidden						157					
division of, to create Sawyer county	5					47					
changing boundaries of	5					74					
terms of court in										18-104	
municipal court in, created											211
ASHWAUBENON:											
town of, Brown county, reversion of certain bonds to						263					
act repealed							806				
ASIATIC CHOLERA:											
to appropriate a contingent fund for prevention of							295	452	64		
when fund available, section 2							295	452	64		
duty of State Board of Health respecting, section 3							295	452			
same respecting local boards of health, etc., section 5							295	452			
contingent fund to prevent, etc											2.8

ASSAULT:											
with intent to murder or rob; punishment	4576			79		830					
when punishable under city or village ordinance, general law not applicable	4898				189						
by escaping convict, on warden, officer or person in charge	4490								250		
ASSEMBLY—(See Legislature):											
officers and employes of, duties prescribed	111a	194			314	846	91 108	7 348 501	522	48 475	
compensation of employes											1
chief clerk of, to certify names of employes of, to secretary of state										475	
bills, memorials, resolutions and journals of, to be printed										475	
pay of chaplains of									306	232	100
ASSEMBLY DISTRICTS:											
apportionment of state into					244			461		482	
in Dane county								496			
ASSESSMENT OF TAXES—(See Taxation; Logs and Timber):											
secs. 1053 and 1054 relating to inspectors' lists of land is repealed										433	
where county has conformed to provisions of secs 1053 and 1054, R. S. 1878, and has on file inspectors' lists, it may have benefit of	1053-4									438	
personal property, where assessed	1040	244	165		258	854				473	179
cord wood	1040		165							473	179
logs, timber, etc	1040				258					473	179
of bank stock to be assessed and taxed in county and district where bank is located for business	1042							238			
ASSESSMENT ROLL; lands, how described in	1047			268							
in city of Oconto				105							
organs to be entered upon	1050[8]			247							
board of review, adjournment of; notice, how given	1060			74							
objections to equality of, must be made before, or party will not be heard in action, etc., to question the	1061							1283	128		
of merchants' and manufacturers' stock							217			473	
repeal of chapter 217, and re-enacting sec. 1033	1033							332			
relating to subdivision and platting of lands for purpose of								384			
form of statement required	1066								479		
to be made to county clerk	1068								479		
incorporated cities and villages may collect all taxes within same, levied and assessed								391			
state board of assessment, to meet annually	1069	194									
legislation in certain cities											262
for city improvements											312
errors in state assessment, how corrected				259							
equalization of assessment in counties; appeals	1077a		291		212				201		
tax roll, what to contain; form of	1079					50					
collection fee of treasurer, how carried out when valuation is $1,000,000 or over									517		
when to be delivered with warrant to town treasurer	1080			269							
corrected roll in Third ward of city of Beloit legalized				26							

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws - Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ASSESSMENT OF TAXES—(See Taxation; Logs and Timber)—Continued:											
re-assessment may be had at any time within three years	1087	255									
judgment after re-assessment in action to recover money paid for taxes; validity of re-assessment may be attacked and second re-assessment	1164*a*	255		132							
what errors not to affect validity of assessment or tax	r1164*b*	255									
tender, in action to avoid tax or tax proceeding	r1210*a* 1210*c*	255									
re-assessment prima facie evidence of amount justly chargeable; proceedings when validity of re assessment attacked	1210*b*	255		123		283					
for 1879 in towns and cities where assessment rolls, etc., were destroyed or lost			6								
in villages incorporated under general laws						178					
of poll taxes in villages	911			213							
of highway taxes	1210					163					
in Pierce county	1210		60								
additional assessments	1244				215						
penalty for withholding property or making false statement to assessor									281		
assessor liable for accepting statement not by him duly sworn									281		
ASSESSMENT INSURANCE COMPANIES—LIFE:											
to regulate mutual beneficiary, etc., doing business on, plan										413	
when certain corporations organized under section 1771, R. S. 1878, may reorganize and do business as	1771									440	
ASSESSMENTS:											
for water pipes in city of Milwaukee			203								
for sidewalks, highways, etc., in villages existing under special laws; collection of delinquent assessments; chapter 124, laws 1878, re-enacted		194									
in Milwaukee, certain legalized											263
for city improvements											312
ASSESSMENT DISTRICTS:											
saw logs, timber, etc., to be assessed in, where cut, banked or piled, when	1040									473	
ASSESSMENT ROLLS:											
may be replaced when lost or destroyed									2 6		

ASSESSORS:
when to collect statistics of deaf and dumb, blind, insane, etc 1014 220
of City of Milwaukee, certain appropriation to 12 56
salary, etc 489
relating to appointment of in incorporated cities and villages, duties and salaries 391 341
liable for accepting statement of property not properly sworn 381
duty of assessing logs, timber, railroad ties, etc 1010 473

ASSIGNEE—(See Voluntary Assignment):
circuit judge may remove 1702 548
to file statement of condition of trust with clerk of circuit court at least once a year 1702c 543
married woman being attorney or court of record not disqualified by coverture from acting as 84

ASSIGNMENT—(See Voluntary Assignment):
of tax certificates 104
voluntary, how filed and approved 1095 276

ASSISTANT ATTORNEY GENERAL:
relating to duties of 200

ASSISTANT CLERKS:
of legislature, pay of 1

ASSISTANT DISTRICT ATTORNEY:
when may be appointed 94

ASSISTANT POSTMASTER:
of legislature, pay of 1

ASSISTANT LIBRARIAN:
of State Historical Society, increase in salary of 375 279 31

ASYLUMS—(See Insane Hospital).
contract system in, forbidden 425
Winnebago county may build 175
counties may create asylum fund 98
in Marathon county authorized 223

ATTACHMENT—(See Garnishment; Garnishee; Liens; Executions):
assignee may appear and traverse affidavit, when 451
on demands not yet due, proceedings and practice 2731 233
in actions on bond 2731c 256 39
affidavit for, to indorse liens against boats, ships and vessels 3351d 76
of real estate, how discontinuance or satisfaction of judgment entered 2748 157
when defendant may traverse affidavit for 2742 329
but one inventory, in case of several, against said defendant 2758 249 259

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ATTACHMENT—Continued.											
where names of members of partnership are unknown						249					
affidavit may be amended						249					
grounds for	2702							131			
in justice court, affidavit amendable											124
relating to actions of, in municipal court, Rock county					101						
in case of, two or more, against same defendant, on same property, officer to endorse notice of on copy served on defendant, shall state that fact on his return	2736a						259				
damages and costs awarded defendant in, on traverse of, to be applied as a set-off to plaintiff's demand	2747						343				
relating to, in justice's courts							424				
defendant may traverse plaintiff's affidavit in							424				
damages and costs awarded defendant on traverse to be applied as set off on plaintiff's demand							424				
appeal from finding on traverse may be taken							424				
appeal not to stay sale of attached property unless undertaking given by appellant							424				
on logs, how levied									378	130	
affidavit for, to enforce liens on logs and timber, what to show	3333						409		413	130	
ATTEMPTS:											
to commit felonies, punishment for, when not otherwise provided for	4385					330					
ATTORNEY—(See Summons):											
commissioner of insurance to act for certain companies, process may be served on									334 335		
secretary of state to act for foreign building and loan associations									523		
married woman who is, may act as court commissioner, etc										34	
ATTORNEY GENERAL:											
to prosecute, settle, etc., forfeitures of insurance companies, for failure to comply with law, expense, how paid, etc., duties								517		418	
to assist insurance commissioner in drawing form of uniform policy of fire insurance										195	

to enforce forfeitures of land owned by aliens in excess of 320 acres								479			
as commissioner of public lands, shall be member of board of deposit										373	
appropriation to, to pay costs in U. S. supreme court, in cases of state against city of Duluth		110									
process to be served on, when state a party defendant in action to invalidate tax deed thereon named							301				
to prosecute boom companies for failure to report hereunder										423	
duties of, respecting compilation of town laws							298				
to draw and have recorded deed for perfecting title to certain lands granted to the state by Marathon county									74		
to prosecute banking institutions for failure to make statement									523		
to examine articles of druggists' mutual insurance corporations									524		
authorized, together with governor, to settle claims of persons injured, etc., in capitol disaster								457			
to be one of parties appointed by supreme court to draft bill for incorporation of cities by a general law								389			
assistant to devote as much of his time as the, may require								300			
law books, etc., for office of									305		
vacancy in office of, how filled	905									81	
ATTORNEYS:											
to be residents of circuit when applying for admission	2586			114			63				
transportation companies to appoint, upon whom process may be served			193	189							
equipment companies having principal place of business out of state to appoint upon whom process may be served						277					
relating to admission of, to practice	2580						63				
board of examiners to be appointed							63				
duty of board on examination of applicants for admission as	2586									310	
when may make agreement with client for prosecution of action; lien of										204	
AUCTIONS AND AUCTIONEERS:											
regulation of, in cities and villages	1500					160		334			
to pay treasurer of town, city or village two per cent. of gross receipts, to procure license	1585						201	334			
town clerks may grant license and report	1587 1589							334			
to include sales by "Dutch" auction	1586						291	334			
to render an account of sales to town, city or village clerk								334			
secretary of state to grant license to	1588						291	334			
license fee required							291	334			
to give bond to pay duties on sales							201				
persons having license as an, from secretary of state, exempt from further, during continuance of							291	334			
AUGUSTA:											
city of, incorporated							73				
charter amended								156		10	

Subject Matter of Law.	Revised Statutes amended or repea'ed	General Laws—Years, Chapter and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
AUSTRALIAN BALLOT SYSTEM:											
sample official ballots under, and manner of conducting elections									r218	r379	233
laws relating to revised									r491	r379	288
BABB'S CREEK:											
Sauk county, dam across					269						
BAD RIVER:											
and adjacent waters, booms in					270						
improvement of					278						
BADGE:											
to prohibit unauthorized wearing or improper use of G. A. R								491			
same of Loyal Legion of U. S									360		
BAETZ, HENRY:											
appropriation to		149									
BAIL:											
sureties in criminal cases may surrender principal and be discharged					206						
relating to, in murder cases	4791						379				
who may admit to	4798								143		
prisoner may be admitted to, on preliminary examination	4745									235	
form of bail bond	4746									235	
BAILEE:											
when, of any chattel, etc., guilty of larceny; penalty	4415							278			
BAILEY, W. F. AND OTHERS:											
to build a bridge at Eau Claire			149								
may build dam across Chippewa river, Chippewa county										313	
may charge tolls for assorting and booming logs, when										313	

BAIT:													
minnows may be caught for										255			
BAKER, JOSEPH:													
appropriation to									13				
BAKER, MRS. ELLEN M.:													
appropriation to					864								
BALDWIN, BENJAMIN B.:													
acts of, as justice of the peace, legalized				245									
BALDWIN, A. W.:													
appropriation to					53								
BALLOTS:													
to secure purity and secrecy of the											379	288	
school officers to be elected by												59	
county clerks to prepare, have printed and distributed at public expense										248			
form, delivery, etc										248			
none others to be used										248			
to be endorsed by ballot clerk										248	379		
voter, how to prepare; when may be assisted										248		288	
										494			
errors or omissions in, how cured										248			
sample official, for general, judicial and municipal elections													
official ballots only to be voted										248			
general ballots, size of, etc., what to contain, how printed										248	379		
destruction of, and neglect to deliver, section 35										248			
uniformity of, in cities of 150,000 or more										475			
penalty for peddling, in cities of 150,000 or more											178		
relating to counting and preservation of								r 464	r 370		413	288	
all laws providing for preservation and recount of, repealed											413		
how transmitted by inspectors								464					
county, city, town and village clerks to destroy								464			413		
form of, in voting for constitutional amendment first Monday November, 1892											362		
counterfeiting presidential tickets prohibited									547				
clerk or inspector not to issue, write, change or alter a, on day of election									499				
same as to electoral ticket									547				
duty of board of canvassers on recount of									r 250		413		
penalty for wilful destruction of, etc									250		413		
self-sealing envelopes to be furnished for preservation of, section 4									250		413		
regarding illegal								464					
defective; duty of inspectors		43								507	413		
form of, to be used								464			379	288	
BALLOT CLERKS:													
number required at each poll, qualification, eligibility		25									446	288	
to be appointed in each district, compensation, duties, sections 21, 22, 23										r 248	379	288	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Charters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BALLOT CLERKS—Continued:											
to be furnished duplicate lists of electors									r 494	379	288
BALSAM LAKE:											
town of, authorized to borrow portion of trust funds of state to aid in building railroad, condition of loan							143				
BANK, BANKING OR BANKING HOUSES:											
use of words prohibited except where names of person, persons, or firm engaged in business is prefixed or affixed thereto							r 152		523		
report of above									523		
private banks, report of									523		
BANK BOOKS:											
copies from, when to be received as evidence				324							
BANK CHECKS:											
providing punishment for issuing with intent to defraud, not having funds on deposit								136			
BANKS AND BANKING:											
note to section 23, chapter 429, of laws of 1852, amended	2024	104									
when stockholders individually responsible			223								
liability when stock transferred			223								
discount and deposit companies, when may do business									451		
persons engaged in business of, to make semi-annual report to state treasurer—penalty for neglect—attorney general to prosecute								392	523	329	
BANK STOCK:											
to be taxed in county and assessment district where bank is located and doing business	1042							238			
BARABOO:											
city of, incorporated					21						
city charter of, amended					54	58	13		13-86	60	

justices of the peace in, may hold office in any part of								65				
may purchase, own, operate, enlarge water works or electric light plants									13			
BARABOO HIGH SCHOOL:												
appropriation to						14						
BARABOO RIVER:												
act for protection of fish in, repealed			224									
BARBED WIRE:												
legal fences may be made o'	1890		158	119	201							
fences on railroads, how made	1810			193								
PARKER, J. T., ET AL.:												
may build dams and improve Montreal river in Ashland county										396		
BARLEY MALT:												
legal weight of, per bushel	1665			121								
BARRON:												
city of, incorporated								163				
charter amended									180			
BARRON COUNTY:												
authorized to borrow from trust funds of state		49										
creation of a municipal court for			48									89
canal in				64								
state road in			904									
to discontinue part of a state road in					105		115					
to confer powers of court commissioner on municipal judge of							189					
creation of second municipal court for								167		87		
powers of court commissioner conferred on judge of								167				
creation of third municipal court for								168		417		
powers of court commissioner conferred on judge of								168				
terms of circuit court in										2		
acts of county board of, legalized										77		
BASHAW:												
town of, Washburn county, established						172						
BASHFORD, JOHN W.:												
acts of, as state timber agent, legalized			243									
BASS:												
protection of, and small pike									486 371			307

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885	1887.	1889.	1891.	1893.
BASS CHANNEL:											
Brown county, preservation of fish in					43						
BASTARDY CASES:											
relating to change of place of trial of								469			
BATTERY OF LIGHT ARTILLERY:											
providing for organization, muster and payment of a							291				
BATTIS, M. T.:											
appropriation to		133									
BAYFIELD COUNTY:											
when wild deer may be taken in			111						367		
repealed									367		
excepted from provisions of law relating to protection of brook trout				283			411		369		
repealed									369		
terms of court in										18 164	
BAYFIELD RIFLES:											
annual inspection of			200								
inspection of, at any time during year				250							
BAY OF SUPERIOR—(See Harbor Districts):											
Douglas county, pier or dock in					150						
Douglas county, piers, docks and wharves in						200					
Douglas county, piers, docks and wharves in						255					
BAY VIEW, VILLAGE OF:											
annexed to city of Milwaukee								87			
certain territory of, attached to town of Lake								504			
BEAR CREEK:											
Barron county, dam across		93									
Oneida county, dam across								850			

BEAVER BROOK:
dam across, Polk county ... 366

BEAVER DAM:
city of, authorized to borrow from trust funds of state ... 12
city of, authorized to issue bonds to build city hall ... 98
city charter of, amended ... 175 241 ... 88 ... 135 19 ...
name of free library changed ... 42

BEAVER DAM OR CRAWFISH RIVER:
providing for opening or enlargement of, for drainage purposes ... 528 439 ...

BEAVER DAM LAKE:
Barron county, boom in ... 158 ... 196 ... ...

BEEF SLOUGH:
Buffalo county, bridge across ... 88 ... ...
to regulate booming of logs at, and fixing charges therefor 215 125

BELL TELEPHONE COMPANY:
of Madison, appropriation to ... 145 ... ...

BELOIT:
city of, authorized to acquire and use additional cemetery grounds ... 226 ... ...
relating to school district in city of ... 54 ... ...
to issue bonds to pay indebtedness ... 6 ... ...
to legalize corrected tax roll of third ward of city of ... 26 ... ...
town of, authorized to issue bonds to pay its bonded indebtedness ... 51 ... ...
to authorize electors of town of, to hold elections in city of Beloit ... 59 ... ...
bridge across Rock river at ... 70 ... ... 66 ... ...
city charter of, amended ... 78; 217 309 ... 131 302 276 ... ...
city of, authorized to maintain a bridge across Rock river ... ... 67 ... ...
authorized to accept donation of land for addition to its cemetery ... ... 11 ... ...

BENEVOLENT INSURANCE CORPORATIONS:
certain, exempted from general laws relating to life insurance companies ... 204 .. 246 249; 281 94 458 42; 198; 509; 584 ... ... 441; 477 ...
to report to commissioner of insurance, appoint attorney—penalty for non-compliance ... ... 334 418 ...
to regulate incorporation of, to report to and be investigated by insurance commissioner ... ... 418 ...
certain enumerated, not insurance companies within meaning of general laws of state ... ... 477 ...

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BENTLEY & NOWLAN: appropriation to							370		493		
BEQUESTS: to cemetery associations, how invested											22
"Dodge law" as to, repealed											102
BERLIN: city of, authorized to borrow from trust funds of the state			4				77		169		
charter amended							212	409	178 387	14	
clerk of, to insert in tax roll amount of principal and interest due on loan to city, as certified to by secretary of state							77				
extending time of charter election								215			
may issue bonds in aid of Berlin & Green Lake R'y Co.—procedure for									356		
BETTERMENTS: act relating to in ejectments											222
BIENNIAL ELECTIONS: submission of amendment to constitution providing for					290						
BIENNIAL REPORTS: of state officers, institutions, departments, etc						220			526		
BIENNIAL SESSIONS: of legislature; submission of amendment to constitution provided for				263	290						
when to commence					153						
BIG EAU PLEINE RIVER: Marathon county, dam across		21			186			70			
Marathon county, booms in								336			

BIG GREEN LAKE:											
Green Lake county, fishways in		145		316	225						
BIG PLOVER RIVER:											
Portage county, dam across					107						
Portage county, dam across					145						
BIG RIB RIVER:											
Marathon county, dam across			97					381			
BILLIARD TABLES:											
town boards may suppress, license and regulate pool and pigeon hole tables and bowling alleys								321	406		
BILLS OF LEGISLATURE:											
to be printed by the state printer										475	1
BILLS OF EXCHANGE:											
payable in currrent funds, etc., negotiable, and how	1674	194									
days of grace abolished											87-246
BINDING:											
schedule for printing and									506		
of reports of state officers, etc									526		
BRINK, MICHAEL:											
legalizing acts of, as justice of peace									196		
BIOGRAPHICAL SKETCHES:											
of members of constitutional conventions of 1846 and 1847-8, subscription for, authorized			275								
BIRDS:											
to prevent killing of, for millinery purposes								413			106
made subjects of larceny								523			
penalty for destroying eggs of certain (see Game Law)									448		106
penalty for baiting and fighting	4445a								347		
penalty for killing certain	4567									56	
BIRTHS:											
fees for registration of, how paid	764			278							
fees for certificates of					287						
BIRTHS AND DEATHS:											
fees of register of deeds for making statment of	1026								342		
BLACK BASS: (see Fish and Game)											
preservation of				46				375	486		106

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BLACK-LISTING:											
to prevent								349			
BLACK RIVER:											
La Crosse county, wagon bridge across							139				
same										360	
same, La Crosse and Trempealeau counties										210	
Taylor county, dam across			77								
Wood, Clark and Jackson counties, dams across			303			9					
relating to construction of dams in				239							
Taylor county, dam and boom in					277						
Clark county, dam across						r209	r88				111
bridge across, Jackson or Monroe county							29				
dam across, Jackson county								438			
BLACK RIVER FALLS:											
city of, incorporated						4					
charter amended							163	247		94	
when to take effect							338				
revised ordinances of, legalized										100	
BLACK RIVER IMPROVEMENT COMPANY:											
charter of, amended			225		263						
to keep ferries free from obstruction or build bridge across Black river							316				
BLACK RIVER RAILROAD COMPANY:											
extending time for earning certain bonds by				1							
Clark county to aid, in construction of a railroad				234							
BLAKE BROOK:											
Waupaca county, dam across					137						
BLAKE'S LAKE:											
dam across, Polk county								178			

BLANKS:											
county clerks, etc., to furnish, to town clerks for highway tax list, etc								477			
same to various clerks of statement of assessed voluation	1066								479		
BLENKIRON, THOMAS:											
acts of, as justice of the peace, legalized		87									
BLESSER, ADAM:											
appropriation to		178									
BLIND:											
collection of statistics relating to	1014		229								
when county or municipal judge may order child sent to state or private institutions for care										331	
circulating library for, appropriation for											290
BLIND INSTITUTE:											
appropriations to		132	46	303	33	142	71	83	57	257	
abolishing board of trustees of				298							
placed under the control of the state board of supervision				298							
name changed to Wisconsin School for Blind							56				
BLOOM CITY:											
name of village of West Branch, Richland county, changed to								522			
BLOOMER RAPIDS:											
Portage county, dam across					106						
BLUE BOOK:											
distribution of	121	141	123		14		113	284	421	333	
publication of two thousand copies of				33							
distribution and sale of				258							
purchase of new stereotype plates authorized	120				191						
providing for purchase and distribution of additional copies for 1887								284			
same for 1889, and regular edition thereafter									421		
providing for publication of 8,000 copies of										333	
distribution of										333	
appropriation for										333	
for 1891 to be according to chapter 421, laws of 1889										333	
BOARD OF AUDITORS:											
of New Orleans Exposition fund appointed							13				
duties of, section 3							13				
BOARD OF CHARITIES AND REFORM—(See State Board of Charities and Reform):											
abolished										221	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BOARD OF CONTROL, STATE:											
created, powers and duties										221	
allowance of clerk hereto											279
BOARD OF DEPOSITS:											
shall consist of commissioners of public land and the governor, their duties	157, 159									273	
BOARD OF DIRECTORS OF STATE PRISON:											
abolishment of				298							
BOARDS OF EDUCATION:											
to appoint truant officers and their duties										197	
powers of in general incorporation act of cities											313
may borrow from trust funds											176
BOARD OF EXAMINERS OF ATTORNEYS:											
appointment of, and duties	2586						63				
to establish a standard of attainment of applicants and examination of papers by										310	
compensation of							63				
BOARD OF EXAMINERS OF TEACHERS:											
per diem of	(458)									459	
appointment of; duties	454									457	
BOARD OF HEALTH—(See State Board of Health):											
publication of reports, etc	863	16				220	107, 306		596		
appropriation to state		16					107				
duty of, defined, to prevent spread of cholera							306	459	64, 256		
may make regulations respecting sewerage, etc											313
powers of, made general in corporation act for cities											

BOARD OF IMMIGRATION:
establishment of state 176
appropriations to 194 223
may appoint secretary and agents 223
abolishment of 21

BOARD OF MANAGERS OF INDUSTRIAL SCHOOL FOR BOYS:
abolishment of 208

BOARD OF PUBLIC WORKS:
of city of Milwaukee, duties of clerks of 208
general act as to 312
to establish, in city of Appleton 323

BOARD OF REVIEW:
adjournments; notice, how given 1060 74
objections to equality of assessment of, must be made before, or action of, cannot be questioned ..... 1061 †283 138
above repealed 138

BOARD OF STATE CANVASSERS:
who shall constitute, etc 58 318
compensation of officer serving as canvasser 58 318

BOARD OF SUPERVISION—(See State Board of Supervision):
abolished 271

BOARD OF TRUSTEES OF BLIND INSTITUTE:
abolishment of 208

BOARD OF TRUSTEES OF DEAF AND DUMB INSTITUTE:
abolishment of 208

BOARD OF TRUSTEES OF NORTHERN HOSPITAL FOR INSANE:
abolishment of 208

BOARD OF TRUSTEES OF STATE HOSPITAL FOR INSANE:
abolishment of 208

BOARD OF TRUSTEES OF THE FIREMEN'S AND POLICEMEN'S PENSION FUND:
may be organized in cities having a population of over 100,000, composition of; duties 237

BOARDS OF HEALTH:
establishment of, in cities, towns and villages 167 291
in cities under general incorporation law 312

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BOARDING HOUSES:											
when required to have fire escapes, penalty									304		
penalty for beating									251		
BOHEMIAN BROTHERHOOD OF U. S.:											
excepted from provisions of insurance laws						94					
BOHEMIAN ROMAN CATHOLIC CENTRAL UNION OF THE STATE OF WISCONSIN:											
excepted from provisions of insurance laws										441	
BONDS—Official:											
corporations may guarantee											196
BONDS:											
of county treasurer; amount, how fixed when valuation exceeds $30,000,000	710		215								
county of Chippewa may issue, to fund outstanding indebtedness									5		
city of Waupaca may issue, to pay donation to Wisconsin Veterans' Home									8		
city of Racine to issue, to fund indebtedness		99									
same										54	
of town of Plover, purchase of, by state		185									
city of Chippewa Falls to issue, to fund bonded indebtedness		231									
same, and for school house in Third ward, and other purposes										194	
Chippewa county to issue, to fund bonded indebtedness		234			152						
city of Beloit to issue, to pay bonded indebtedness				6							
denomination of, issued by municipalities	960c			8							
Kenosha county to issue, to build court house and jail				21							
city of Kewaunee may issue bonds to build bridge										340	
city of Oshkosh to issue, to pay its debts				30							
town of Beloit to issue, to pay bonded indebtedness				51							
city of Berlin to issue, to pay indebtedness									169		
city of Columbus to issue, to build school house				111							
same										21	
act authorizing city of Chippewa Falls to issue, repealed				156							

city of Chippewa Falls may issue to pay its indebtedness					194		199	107 184	81			
Chippewa county to issue, to fund its floating indebtedness					228							
Chippewa county to issue, to build bridge across Chippewa river						89				497		
city of De Pere may issue for improvements										498		
same West De Pere												
city of Sheboygan to retire certain, and to issue new						114						
of counties; life or accident insurance companies may invest in	1951					204						
town of Flambeau, Chippewa county, to issue, to pay judgment against it in favor of McKinley and Evans						231						
city of Milwaukee to issue to build bridges						245	154					
to issue, to build city hall										88		
same											91	
same for other purposes												48
city of Racine to issue, to build bridges and school houses							86					
city of Watertown may issue, to compromise indebtedness											212	
investment of trust funds may be in, what	2584						89					
city of Milwaukee to issue to enlarge water works system							127	307	428			
city of Milwaukee to issue bridge bonds										377	228 411	
same											120	
same library bonds										409		
same											93	
same water department construction										419		
same public parks										488		
same											92	
same for market purposes											311	
Chippewa county to issue, to construct highway							190					
town of Durand to issue, to aid in construction of a bridge							231					
Lincoln county to issue, to fund its indebtedness							239					
Eau Claire to issue, to pay its bonded indebtedness								151				
city of Eau Claire may issue for waterworks											399	
Florence county may issue, to build bridge										489		
city of Manitowoc may issue, to build sewers											79	
same to build bridge											114	
city of Neenah to issue, to build new bridges								4				
to enable city of Kenosha to reduce interest on present								120				
to legalize acts of village board of Sauk City in issuing bridge bonds in 1882								249				
Milwaukee county authorized to issue								270				
city of Sheboygan to issue new, to re-adjust indebtedness								277		433		
city of La Crosse, to issue, for sewers, water works and school houses								304				
town of Necedah to issue, to pay for stock in the Pete-en Well Bridge Company								329				
two adjoining towns having highway between crossing stream may issue, to build bridge	1321							345				
state agricultural society may issue for loan from trust funds											381	
city of Rice Lake may issue, to buildings											390	
village of Cassville may issue to build academy, etc											476	
town and village of Plainfield may issue to pay railroad bonded indebtedness										851		

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CATTLE AND OTHER DOMESTIC ANIMALS:											
penalty for obtaining certificate of registration of, by false pretenses.								229			
CAULEY CREEK:											
Clark county, dam across		127							179		
rights under, conferred upon James H. Reddan, et al.									179		
CAUCUSES:											
act to regulate in large cities											249
CEDARBURG:											
town of, Ozaukee county, authorized to borrow from trust funds of state		247									
may grant aid to encourage manufacturing in, how									354		
city of, incorporated							16				
charter amended								56	175		
plankroad, purchase authorized											226
CELLARS:											
liens for labor on											256
CEMENT LAND COMPANY:											
may build docks, piers, etc., in Lake Michigan, Milwaukee county										192	
CEMETERY:											
in town of Mackford, Green Lake county, removal of bodies from			52								
CEMETERY ASSOCIATIONS:											
organization not kept up, how may reorganize	1452				211						
gifts and bequests by, how invested											29
may receive money, etc., in trust for preserving tombs, etc	2081					200					
conferring certain powers upon, for protection, management, etc								115		237	
gifts and bequests to, how used, etc								388			
report of, to be made to county judge								388			
bond to be executed by, to								388			
exempted from taxation											

BOOKS:
adoption and change in, by school boards 440
relating to purchase of, for common schools ..... 436 ..... 251 ..... 93 308

BOOM OR BOOMS—(See Dams.):
in Bad river and adjacent waters, Ashland county 276
in Beaver Dam lake, Barron county 158
in Beaver Dam lake, Barron county 190
in Big Eau Pleine river, Marathon county 338
in Black river, Taylor county 277
in Chippewa river, Eau Claire county 146 423
in Chippewa river, Eau Claire county 88 313
in Chippewa river, Chippewa county 21
in Kewaunee river, Kewaunee county 112
in Kickapoo river, Crawford county ..... 226 / 319
in Lake St. Croix 215 478
in St. Croix river 209
in St. Louis river, Douglas county 247
in Wisconsin river, Lincoln county 282
in Wisconsin river, Marathon county 300
in Wolf river, Shawano county 15
same act repealed

BOOM COMPANIES:
to make annual report of gross earnings to state treasurer and pay license fee; penalty for neglect 422
same amended 260

BOOMING AND RAFTING OF LOGS:
regulating, at Beef slough and fixing charges therefor 215 195
same generally 200

BOOTHS:
for elections, to be provided 379 238

BOSCOBEL:
city charter of, amended ..... 111 ..... 37 84
city of, to invest surplus bridge funds 244

BOSCOBEL AGRICULTURAL AND DRIVING PARK ASSOCIATION:
appropriation 542

BOSCOBEL HIGH SCHOOL:
appropriation to 210

BOTTOM LANDS:
to protect from overflow, by constructing levees 314

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapter and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BOULEVARDS:											
declaring certain avenues in Milwaukee, or pleasure ways								450			113
grant of land to Milwaukee for											206 197
BOUNDARY LINES:											
when petition of freeholders not required to change, of in towns	671								464		
BOUNTY:											
for killing wild animals, repealed	1626 1627 1628 1630	254 254 254 254									
for killing foxes county may pay	6704		110								
for killing wild animals, payment of				150	80	116					
not to be paid by state unless county pays equal sum						116					
BOYCOTTING:											
penalty for	4038							243 297			
BOYS:											
to keep off moving trains, penalty		183									
BRANCH ROADS:											
railroad companies may build						276					
owner of mill, lumber, coal or wood yard may construct to connect with mainline	1802									370	
BRANDING:											
of cheese, regulated											228
BRANDON:											
to legalize acts of officers of village of				88							
BRATRSTO CESKYCH FARMERS' SOCIETY OF CARLTON, KEWAUNEE CO.:											
not a life insurance company within meaning of general laws										477	

BRIDGE:
city of Racine authorized to build a stationery bridge across Root river 10
repealing ch. 298, laws 1878, free wagon bridge across Wisconsin river at Grand Rapids 173
across Ahnapee river, Kewaunee county, city of Ahnapee to build 236
across Ahnapee river, Kewaunee county, city of Ahnapee to build 200
across Ahnapee river, on county line between towns of Forestville, Door county, and Ahnapee, Kewaunee county, to build 143
across Beef Slough, Buffalo county, Chippewa Valley & Superior Railway Co., to build 88
across Black river in La Crosse county 369
across Chippewa river, Eau Claire county, at city of Eau Claire 112
across Chippewa river, Chippewa county to build 88 383 89
across Chippewa river, at city of Eau Claire, Chippewa Valley & Superior Railway Co., to build 74
across Chippewa river, at city of Eau Claire, Chippewa Valley & Superior Railway Co., to build 129
across Chippewa valley, Dunn county, Chippewa Valley & Superior Railway Co., to build 128
across Chippewa river, Sault St. M. & S. W. R'y, at city of Eau Claire, to build ... 206 207
free wagon, across Chippewa river, Dunn county to construct 322
across Chippewa river, Pepin county, at Durand 38
across Chippewa river, Eau Claire county, city of Eau Claire to build 99
across Chippewa river, Chippewa county to build 131
across Chippewa river, town of Durand to aid in construction of 231
across Eau Claire river, Sault St. M. & S. W. R'y, at city of Eau Claire, to build 205
across Fox river, at De Pere, lease of a certain 157
across Fox river, at De Pere, act for repeal 332
across Fox river, city of Kaukauna to build 386
same at Appleton 120
same at Appleton 121
same at Appleton 269
authorizing town of Marinette to join with municipalities of Michigan to construct and maintain a, over Menomonee river 9
across Kewaunee river, Kewaunee county, town of Kewaunee to build 127 232
across Kewaunee river, Kewaunee county, town of West Kewaunee to build 53
same, city of Kewaunee may build 340
across Kickapoo river, Crawford county 143
across Kickapoo river, in Crawford, Vernon and Richland counties, K. V. & N. R'y Co. to build 416
across Lake La Belle, Waukesha county 10 71
across Lake St. Croix, St. Paul & Chicago Short Line Railway Company to build 228
across Manitowoc river, city of Manitowoc may build 114
across Milwaukee river, Washington county, town of Fredonia, Ozaukee county, to aid in construction of 106 129

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Charters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BRIDGE—Continued:											
across Milwaukee river, in town of Saukville, Ozaukee county, town of Saukville may build										35	
across Milwaukee river, in city of Milwaukee									182	223 411	
same in 12th and 18th wards										120	
across Mississippi river, city of La Crosse to build									37		
across Mississippi river, from point in Buffalo county, Winona & Southwestern railroad to build									96		
across Mississippi river, city of Winona to build			274							97	
across Mississippi river, at or near Red Wing, Minnesota Central Railroad Company to build						275					
across Mississippi river, near Red Wing, Duluth, R. W. & So. R'y to build									208		
across Red Cedar river, Dunn county, Chippewa Valley & Superior Railroad Company to build					77						
across Rock river, at city of Jefferson, town of Jefferson to aid in construction of			2							65	
across Rock river, towns of Farmington and Watertown to build				70		67		423		76	
across Rock river, at city of Beloit, Judd M. Cobb to build							403				
across Rock river, city of Beloit, to maintain a certain						265 315				55	
across Rock river, towns of Rock and Beloit to build						186				416	
across Rock river, in the town of Watertown, Jefferson county											
across Root river, Racine county, Johnson et al. to build											
across St. Croix river, Burnett county, St. Cloud, Grantsburg & Ashland Railroad company to build											
across Sheboygan river, in Sheboygan county											
across Wisconsin river, between Adams and Juneau counties											
across Wisconsin river in Grant to point in Crawford county, K. V. & N. R'y Co. to build											
across Wisconsin river, Lincoln county to build						201					
across Wisconsin river, between Adams and Juneau counties						256					
across Wisconsin river, Wood county, T. E. Nash to build									41		
same, Arpin et al. to build, when									402	929	

across Wolf river, towns of Hortonia and Liberty, Outagamie county to build			298									
across Wolf river town of Maine, Outagamie county, to build				173								
across Wolf river, town of Ellington, Outagamie county, to build				321								
across Wolf river, Shawano county, St. Paul Eastern Grand Trunk Railway Company to build						120						
across Wolf river, town and village of Fremont, Waupaca county, to build						324		307				
across Wolf river, at Fremont, Waupaca county, conditional repeal of act for						331						
city of Neenah authorized to build and borrow money for same							4					
Chicago, Freeport and St Paul Railway Company to build:												
across Wisconsin river in Iowa and Sauk counties							25					
across Kickapoo river and west branch thereof, Vernon county							26					
across Lake St. Croix							27					
across Chippewa river, Pepin county							28					
across Black river, Jackson or Monroe counties							29					
across Eau Galle river, Pierce, Pepin and Dunn counties							30					
wagon bridge across Black river, La Crosse county							189					
wagon bridge across Black river, La Crosse and Trempealeau counties										210		
toll bridge across Wisconsin river, in town of Wyoming, Iowa county							279	2				
toll bridge across Wisconsin river, from point in Sauk to point opposite in Dane or Iowa counties								155				
free, across Wisconsin river, between Grand Rapids and Centralia									2	159		
free wagon bridge across Chippewa river between towns of Brunswick and Union							318					
railroad or wagon combined across Mississippi at Winona								50				
city of Beloit may construct across Rock river								66				
railroad and wagon, across Mississippi at Red Wing								11				
across Mississippi river at any point between La Crosse and Prairie du Chien								464				
city of Menomonie may appropriate money to pay for a										178		
across Sturgeon Bay, Door county, Commercial Bridge company may build										334		
adjoining towns having highway between them crossing stream authorized to levy tax and issue bonds to build, etc	1320 1321						345	285				
any city or incorporated village located within five miles of Wisconsin river may	1320							285				
relating to, and streets between towns, cities and villages	1274						380					
when trains not required to stop at draw									379			
provisions in city charters relating to, repealed												285
villages may acquire title to, from private owners												298
BRIDGE FUNDS:												
city of Boscobel, to invest its surplus			244									
BRIDGES:												
when county to levy bridge tax	1319	126										
villages situated on opposite side of river, etc., may unite in building, purchasing or leasing				245								

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BRIDGES—Continued:											
when and upon what property county board may levy tax for, not more than two mills on assessed valuation to be levied for—order, when drawn, etc.	1319			315			187		508		
swing or draw bridge between city and town, expense of maintaining and attending to be shared equally					130						
towns, cities and villages to purchase and hold on boundaries thereof; question to be submitted to vote					155						
control of, in cities and villages incorporated under general laws						178					
on highway between towns, when to be maintained and repaired by both	1278					236					
on town roads (in villages) town and village, to build and repair	910								295		
city of Racine to build						36					
city charters relating to, repealed											285
villages may acquire title to, from private owners	1320 1321							235			298
BRIEFS AND CASES:											
in supreme court, binding of					262						
BRODHEAD:											
city of, incorporated										270	
BRODHEAD HIGH SCHOOL:											
appropriation to						14					
BRODHEAD SCHOOL DISTRICT:											
raising of tax in						16					
incorporating act amended											101
BROOK TROUT:											
protection of	r 670[a] r 4561		321	289	115			375	486		106 307
sale or barter of, prohibited. (see Fish and Game)							471	375	309		307

BROSS, CHAS. E.:											
appropriation t.		64	80	54							
BROWN COUNTY:											
made part of 14th judicial circuit						288					
civil and criminal jurisdiction of county court abolished...	2465 2467 r 2468 2469 2475	31									
salary of county judge reduced	2483	31									
judgments heretofore rendered in county court to be treated as if rendered in circuit court		31									
actions now pending in county court to be tried in the circuit court		31									
state road in		108	11								
authorized to borrow from trust funds of state			186								
may issue bonds to fund indebtedness									241		
protection of trout in waters of					67						
reversion of certain lands to towns of Ashwaubenon and Lawrence in						r268	396				
appointment of fish wardens in and for						297					
terms of circuit court in				18							
same of circuit court in	2424				8		169	82		855	
register of probate in, appointment of							166				
salary and duties of							166				
BRULE RIVER:											
spawning or closed season for, in Douglas county										138	
fishways in dams in, Douglas county										251	
BURNETT RIVER:											
improvement of					260						
BUFFALO COUNTY:											
state road in					223						
terms of circuit court in							135			826	
BUFFALO LAKE:											
protection of fish in						297					
BUGLASS, DAVID:											
acts of, as justice of the peace, legalized		87									
BUILDING AND LOAN ASSOCIATIONS - (See Mutual Loan and Building Societies):											
when foreign, may do business—deposit required—license of—file articles—report of—penalties for doing business without license—to constitute secretary of state attorney on whom process may be served									525	469	
BULLHEADS:											
may be speared, etc	4560				265						

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BULLS:											
to regulate use of, for procreation		35									
BUREAU OF LABOR STATISTICS:											
creation of						319					
appointment of commissioner; powers and duties; compensation						319	247				
name changed to, of Census and Industrial Statistics							247				
authorizing final settlement with Edward F. Appleby et al., employes of								132			
may appoint assistant factory inspector; salary								453			
appropriation for rent of office, etc., of inspector								453			
report of, printing, etc									526		
BUREAU OF LABOR, CENSUS AND INDUSTRIAL STATISTICS:											
created out of Bureau of Labor Statistics							247				
relating to, and duties of commissioner of, etc							247				
BURGLARIOUS INSTRUMENTS:											
penalty for having in possession											68
BURIAL OF THE DEAD:											
ex-union soldiers, sailors or marines, residents of this state, not having sufficient means to defray funeral expenses, to be buried by county							18	385			
duty of county clerk respecting same							18	385			
duty of town boards								385			
BURNETT COUNTY:											
acts amended authorizing loan from trust funds to; change of use of loan authorized		127									
when state tax to be paid by county treasurer of	1121	202									
appropropriation to				332							
division of, to create Washburn county	5					172					
excepted from provisions of this act							471				
dam across Tamarack river in, may be built										104	
relating to distribution in, of the per centum of gross earnings of North Wisconsin Railroad under chapter 22, laws 1879								475	467		

repeal of above 467
and to D., R., W. & S. R'y, by towns in, how 228
terms of circuit court in 2

BURNSIDE:
town of, Trempealeau county, authorized to borrow and donate certain sum to county 305

BUTCHERS:
not required to take out license for selling or peddling meat 263

BUTLER, JAMES D.:
appointed one of the three commissioners to examine manuscript of History of Territory of Wisconsin 285

BUTTE DES MORTS, LAKE:
protection of fish in 412 398 120

BUTTER:
imitation, to be marked oleomargarine or butterine on firkin 440 361 165

BUTTER AND CHEESE—(See Cheese, Milk):
penalty for manufacturing or selling spurious 361 424
to protect manufacturers of 157
proof of adulteration and skimming, how made 344
name of factory, grade of cheese, etc., to be stamped on box 455 264
repeal of above, cheese to be stamped 264
sale or use of imitation, to be posted where used or sold 185 165

BUTTERNUT CREEK:
Pierce county, dam across 184 181

CABLE OR ELECTRIC RAILROADS:
not exempt from taxation 285

CALAMITY:
surplus remaining on contribution for relief of sufferers by, how disposed of 359

CALEDONIA, TOWN OF:
exempt from operation of chapter 90, laws of 1885, and chapter 340, laws of 1889; duty of treasurer and commissioners of public lands thereunder 121

CALUMET COUNTY:
detach from fourth circuit and attach to third 2423 87
preservation of fish in 228
appointment of fish warden for 297
commissioners of swamp lands in, and their powers 79 119

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CHIPPEWAS OF LAKE SUPERIOR: how descendants of, may become voters		84									
CHOLERA—(See Asiatic Cholera): contingent fund to prevent											238
prevention of											270
CHRISTMAS CREEK: Chippewa county, dam across			84								
CHRONIC INSANE—(See Insane Persons): care of, in counties				223	283				105		252
two or more counties may unite in the care of							209		330		
care of in counties of 100,000 or more, trustees									461		
may be removed from state to county asylums, when									461		
board of charities, duty										244	
trustees of county asylums for, to be ex-officio trustees of poorhouse											
CHURCHES: to be so constructed that doors swing outwards							190				
CHURCH CORPORATIONS: may form fire insurance companies										208	74
CIGARS AND CIGARETTES: preventing sale of to minors when forbidden by parents or guardians										434	
CIRCUIT COURT REPORTERS: when deficiency of salary of, paid out of treasury of, duty of judge	2438								126		
CIRCUIT COURTS: terms of, in various circuits—(See Terms of Court and table preceding index):											
first circuit: terms of court in	2424	33							66		
second circuit: Waukesha county detached from, and attached to thirteenth circuit	2423				55						

terms of court in									50			
third circuit: changed to create thirteenth circuit	2123			37								
terms of court in	2424	61		37		61	181				1 3	
in Winnebago county, to be open from one term to another		61										
any business, except jury trials, may be done at special terms		22										
excepted from provisions of chapter 140, Laws 1881				140								
fourth circuit: changed to create thirteenth circuit	2423			37								
terms of court in	2424			68			17				5	
in Sheboygan, Fond du Lac and Manitowoc counties to be a continuation of all terms in circuit											5	
fifth circuit: terms of court in	2424	48						402				12
in Iowa county									503			
excepted from provisions of chapter 140, Laws 1881				140		169						
sixth circuit: terms of court in	2424			35				6		{ 12 307		2
Clark and Trempealeau counties									119			
seventh circuit: terms of court in	2424	9		{ 5 159	{ 157 179	68	3	488	317	{ 8 360	{ 135 157	
changed to create fifteenth circuit								488				
eighth circuit: terms of court in	2424	52		292			135		350	326		
special terms may be fixed by judge		52										
ninth circuit: terms of court in	2424	203		228	125				391	6		2
tenth circuit: changed to create fourteenth and fifteenth circuits	2423					288		488				4
terms of court in	2424		109		3	288	134	438	297			
eleventh circuit: terms of court in	2424	181			90			{ 488 511	51	{ 2 r377		69
changed to create fifteenth circuit								488				
twelfth circuit: terms of court in	2424							r 488	120			67
thirteenth circuit created	2423			37								
terms of court in	2424			37	{ 55 140							
fourteenth circuit: created	2423					288						
terms of court in	2424					288	169			255		
fifteenth circuit created: terms of court in								488	111	{ 18 161		
adjournment of March term, 1881, in Green county, legalized				136								
sixteenth circuit created: terms of court in										41		
election of judge for										41		
seventeenth circuit created: terms of court in										47	277	
election of judge for										47		
compensation of clerk of, in Eau Claire county, while acting as clerk of county court					r124			109				
repeal of above								109				
costs and fees of — (See Costs and Fees):												

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Charters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BRIDGE—Continued:											
across Milwaukee river, in town of Saukville, Ozaukee county, town of Saukville may build										35	
across Milwaukee river, in city of Milwaukee									182	223 411	
same in 13th and 18th wards										120	
across Mississippi river, city of La Crosse to build									37		
across Mississippi river, from point in Buffalo county, Winona & Southwestern railroad to build									96		
across Mississippi river, city of Winona to build			274							97	
across Mississippi river, at or near Red Wing, Minnesota Central Railroad Company to build						275					
across Mississippi river, near Red Wing, Duluth, R. W. & So. R'y to build									208		
across Red Cedar river, Dunn county, Chippewa Valley & Superior Railroad Company to build					77						
across Rock river, at city of Jefferson, town of Jefferson to aid in construction of			2								
across Rock river, towns of Farmington and Watertown to build									65		
across Rock river, at city of Beloit, Judd M. Cobb to build				70							
across Rock river, city of Beloit, to maintain a certain						67					
across Rock river, towns of Rock and Beloit to build								422			
across Rock river, in the town of Watertown, Jefferson county										76	
across Root river, Racine county, Johnson et al. to build							403				
across St. Croix river, Burnett county, St. Cloud, Grantsburg & Ashland Railroad company to build						265 315					
across Sheboygan river, in Sheboygan county										55	
across Wisconsin river, between Adams and Juneau counties						180					
across Wisconsin river in Grant to point in Crawford county, K. V. & N. R'y Co. to build										416	
across Wisconsin river, Lincoln county to build						201					
across Wisconsin river, between Adams and Juneau counties						256					
across Wisconsin river, Wood county, T. E. Nash to build									41		
same, Arpin et al. to build, when									409	929	

may order two extra jury terms in any county 2426
may remove assignee, when 1709
authorizing the, of twelfth judicial circuit to subscribe for law reports 548
to apply to all circuits 357
may appoint assistant prosecuting counsel, when 187
may appoint six court commissioners in each county 854
may appoint guardians for infant parties; shall direct amount of bond and sufficiency of surety ..... 8104 ..... 106 289
when may be called in from other circuits to hold court 435, 419
may admit person charged with murder to bail 4793 143

CISTERNS:
lien for construction of 3314, 3321, 3323, 3324 338

CITIES:
divided into classes and providing for incorporation of and government of, under general charter 326
same act amended and revised 312, 214
may permit water and steam pipes to be laid in streets 125
registry of electors in, containing over 25,000 inhabitants 235
may hold and invest funds for embellishment of cemetery; appointment of commissioners ..... 1417 ..... 112 42
lists of lands taken for streets, etc., to be recorded 319 237
expense of maintaining draw bridges between towns and, to be equally shared 130
to limit speed of trains and locomotives in 467
may purchase and hold bridges in common with town 155
may acquire lands for construction of water works 165
when corporation may acquire lands in, for construction of water works 325 165
annexation of territory, one-half of electors may apply for 214
boards of health to be organized in 167 201
incorporated under general laws; assessment and collection of taxes in 178
when to control building and repairing of bridges 178
time of annual election in, how changed 178
may acquire title to toll roads 307
electors of, when may vote at town meetings 178
notice of presentation of petition to tax payers of subscription to railroad stock, how given 333
how represented in county board 53
relating to instruction of deaf mutes in, concerning 315
report concerning, to be made by mayor, when 315

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Charters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CITIES—Continued:											
limiting amount of damages recoverable in actions against, under section 1339							454				
local fire insurance companies may be organized in, and villages, manner of organization, etc								705			
providing for incorporation of, by general law								384			
liability of, for injuries to person by mobs								400			
relating to collection of tax due fire department of the various, from insurance companies								8	242		
submitting constitutional amendment relating to special legislation for										302	
of over 100,000 population may provide pension fund for disabled members of police and fire departments										257	
opening and closing of polls in, of over 5,000 population										404	
of over 100,000 population may appoint registrar of vital statistics											2
may issue bonds											2
sewer districts in, chartered											24
Milwaukee may issue bonds, etc											262
CITY CHARTERS:											
providing for general, and dividing cities into classes									226		
to be printed as distinct volume of session laws	7838								526		
all in them relating to bridges repealed											285
AMENDED; REVISED; CONSOLIDATED:											
Ahnapee			124	182		71 247	258	261 545	324	145	
Alma							8 8			48	
Altoona								387			
Antigo							323	173 261	197	168	
Appleton		148		114 187	333		441	120		466	

Ashland								403	27 410	108	
Augusta								156		10	
Baraboo					54	53	12		13 86	60	
Barron									180		
Beaver Dam				175	241		84		135	19	
Beloit				78 217	209		131	302	276		
Berlin							212	215 409	178 357	14	
Black River Falls							168 228	247		24	
Boscobel		111	87	84							
Cedarburg								56	175		
Chilton		157	173			66	427		93		
Chippewa Falls		19		176	219	350	164 245	209 255	177 310	199 337 386 382	
Columbus						181					
Cumberland										98	
Darlington								171	131		
De Pere							92	53		444	
Dodgeville										191	
Durand								225 300	401		
Eau Claire		57	181 263	87		149	6 328		60 184	481 200	
Edgerton						170	78		122		
Elroy							224	75 172		87	
Fond du Lac		36 240	12 247	148	31	152	200	123	425	25	
Fort Atkinson					97		128 373		114	63	
Fort Howard				215	59				487	420	
Grand Rapids						7			103	488	
Green Bay			285		169	2	207	311	115 309	20 304	
Hartford							239				
Hudson				257	274		197		17	415	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893
CITY CHARTERS—Continued:											
Amended; Revised; Consolidated:											
Janesville		.....	159	....	221	78 350	106 186	164	60 102	400	.....
Jefferson		51 163	.....	28 29	.....	.....	.....	59	.....	50	.....
Kaukauna		.....	.....	.....	.....	.....	121	458	46	135	.....
Kenosha		.....	.....	.....	.....	.....	.....	.....	.....	255	.....
Kewaunee		.....	.....	.....	.....	.....	148	273	.....	.....	.....
La Crosse		80	.....	19 183 333	173	212 217 319	1 396 453	90 162 356	492	16 17 423	.....
Lake Geneva		.....	.....	.....	.....	.....	322	256	358	.....	.....
Lancaster		.....	.....	.....	92	.....	.....	.....	.....	.....	.....
Madison		.....	r322	r230	36	.....	195 336	269	244	266 319	.....
Manitowoc		186	.....	.....	309	.....	.....	259	.....	95 275	.....
Marinette		.....	.....	.....	.....	.....	.....	.....	183 384	102	.....
Marshfield		.....	.....	.....	.....	.....	.....	274	.....	160	.....
Mauston		.....	.....	.....	.....	.....	.....	147	29	.....	.....
Mayville		.....	.....	.....	.....	.....	.....	111	198	.....	.....
Menasha		.....	217	.....	63	.....	.....	310	225	123	.....
Menomonie		.....	.....	.....	.....	84	.....	129 207	151	144	.....
Merrill		.....	.....	.....	.....	191	2 82	15 583	81 419	42	.....

										19	.....	.....
										25	66	.....
										30	73	.....
									33	35	74	.....
									36	36	75	.....
									37	56	141	.....
									.....	.....	107	.....
									.....	.....	108	.....
									38	117	180	.....
									54	136	181	.....
									55	159	183	.....
									205	161	189	.....
									248	170	190	.....
					65				330	182	254	.....
					181		8	196	337	188	312	.....
Milwaukee			224	245	206	216	210	378	342	191	316	.....
			227	268	254	308	272	391	359	224	328	.....
				278	274	394	307	405	362	231	364	.....
					294		308	460	416	243	396	.....
					†303		310	470	420	256	426	.....
									421	290	437	.....
									430	301	419	.....
									459	303	479	.....
									462	318	68	.....
									468	323	89	.....
									483	349	90	.....
									489	352	91	.....
									498	374	.....	.....
									524	388	92	.....
										408	93	.....
										437	.....	.....
										528	.....	.....
Mineral Point			.....	.....	.....	.....	.....	302	.....	.....	.....	.....
Monroe			.....	.....	.....	.....	128	.....	105	220	271	.....
Neenah			68	.....	.....	.....	184	5	.....	.....	297	.....
Neilsville			.....	.....	.....	.....	312	360	306	190	.....	.....
New Lisbon			.....	.....	.....	.....	.....	.....	.....	.....	66	.....
New London			.....	100	293	87	.....	221	.....	102 163	45	.....
New Richmond			.....	.....	.....	.....	.....	.....	159	.....	.....	.....
Nicollet			.....	.....	.....	.....	.....	52 396	383	.....	.....	.....
Oconomowoc			229	.....	199 231	141	.....	257	.....	133	.....	.....
Oconto			.....	112	.....	56	343	188	365	192	208	.....

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws--Years, Chapters and Amendments.									
	No. of section.	1879	1880.	1881.	1883.	1883.	1885.	1887.	1889.	1891.	1893.
CHICAGO & NORTHERN PACIFIC AIR LINE RAILWAY COMPANY (CHICAGO, PORTAGE & SUPERIOR RAILWAY COMPANY):											
grant of lands to, revoked and annulled					10						
CHICAGO & NORTHWESTERN RAILWAY COMPANY:											
act authorizing, to guarantee payment of certain bonds, amended					159						
grant of land for depot grounds at Northern Hospital for Insane					18		68				
authorized to guaranty certain bonds of F., E. & M. V. V. R'y and confirming certain already made									233		
CHICAGO, ST. PAUL & FOND DU LAC RAILROAD COMPANY:											
town of Jefferson authorized to issue new bonds in aid of								271			
CHICAGO, ST. PAUL & MINNEAPOLIS RAILWAY COMPANY:											
authorized to abandon certain portion of its railway			78								
CHICAGO, ST. PAUL, MINNEAPOLIS & OMAHA RAILWAY COMPANY:											
patents of lands earned by the West Wisconsin Railway Company to be issued to				186							
to receive a certain grant of lands					10	29					
made assignee of certain claims					267						
grant of land to, confirmed						29					
certain lands of to be liable to taxation						262					
failure to complete a certain twenty miles of road, not to work a forfeiture						263					
to definitely established southern terminus of, in Pierce county							23				
to receive credit by state treasurer for excess taxes paid in 1889										261	
CHICKAMAUGA:											
governor may appoint commissioners to locate position of Wisconsin troops at											139
CHIEF CLERK:											
stationery for, in senate and assembly	113	1			153						1
powers and duties and compensation of										475	
employment of, in office of superintendent of public instruction					57						
certificate of, of land office, evidence		20									
of senate and assembly, compensation of											1

Shullsburg											
Sheboygan							205	124	215	276	
Sparta							89	145		23	
Stevens Point		50	191		269	159	432	113		38	
Stoughton							170	249			
Sturgeon Bay						119	165			134	
Superior										124	
Tomah						86	406			57	
Two Rivers					311					63	
Viroqua						100	130	118		1-246	
Watertown	46 67 140 156	59 254		50		95					
Waupaca	81	210	212			97	246			323	
Waupun	180			91			00			46	
Wausau		323	71	26	151	118		180 195		200	
West Bend						99				51 52	
Whitewater							191	221		405	
INCORPORATED:											
Ahnapee	120										
Alma						76					
Altoona							231				
Antigo						79					
Ashland							127				
Augusta						73					
Baraboo				21							
Barron							163				
Black River Falls					4						
Brodhead										270	
Cedarburg						16					
Chetek										94	
Clintonville							161				
Colby										128	
Cumberland						140					
De Pere					174						
Dodgeville									216		
Durand							252				
Edgerton					86						
Elroy						102					
Fountain City								20			
Greenwood										131	
Hartford					80						
Juneau							53				
Kaukauna						87					
Kewaunee					253						

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CHILDREN—Continued.											
adoption of	4021										62
CHILTON:											
city charter of, amended		157	173			66	427		93		
authorized to readjust certain of its corporate debts, issue bonds, etc									92		
CHIPPEWA COUNTY:											
act for division of, to create Taylor county, amended		69									
division of, to create Price county	5	103									
division of, to create Sawyer county	5					47					
state road in, from Chippewa Falls		159									
state road in, to Cadott Falls					205						
to adjust indebtedness of towns of Sigel and Flambeau			42								
authorized to issue bonds to fund its bonded indebtedness		234									
authorized to issue bonds to fund its floating indebtedness				228					5		
authorized to issue bonds to pay and take up its bonded indebtedness					152						
relating to certain swamp lands in			261		135	232	382				
to build a bridge across Chippewa river					89						
to build a bridge across Chippewa river						131					
to lay out and construct a highway						100					
relating to municipal court of							881	510	89	295	
relating to sale by, of certain land in, money received on sale to be applied toward maintaining bridges							382		89		
registry of electors in									199		
conferring powers of court commissioner on municipal judge of								510			
terms of circuit court in										2	
CHIPPEWA FALLS:											
city charter of, amended		19		176	219	353	164 213	209 255	177 310	337 356 382	
act of 1877, relating to license fund, repealed		105		156							
authorized to issue bonds to fund its bonded indebtedness		r 231									
same, and build school house in Third ward and other purposes										191	

Whitewater 227

CITY CLERKS:
to keep cancellation books; what to be entered therein 200
duties of, as statistics of bonded indebtedness and taxation 226
duties of, in enumerating census 994-997 161
duties of, as to publication of notices of election 879
penalty for neglect of 1001 161
compensation 1003 161
to have copy of S. & B. Annotated Statutes 275
to provide printed ballots for election of public officers, secs. 15, 16 879
distribution of, sec. 18 879
to prepare tickets for election of school officers, when, sec. 17 879

CITY COUNCILS:
to appoint a commissioner on Canada thistle 233 313 432
mayor to appoint 432

CITY IMPROVEMENTS:
how noticed, etc 312

CITY ORDERS:
when action may be brought on 240

CIVIL AND CRIMINAL JURISDICTION:
of county court of Brown county, abolished 2465, 2467, 2468, 2469, 2475, 2482 81

CIVIL ENGINEERS:
fees of, for services extended to 3314 442

CIVIL RIGHTS:
restoration of discharged convicts to 207 236
restoration of persons adjudged insane to 55

CLAIMS:
against counties for fees in criminal proceedings 680 117
against counties, when statement to be in writing 687 312
against Wisconsin Farm Mortgage Land Company; time of filing 113 235 340
of E. A. Spencer; how adjusted 187
city of Milwaukee to allow certain 321
for liquors sold deceased at retail, not to be allowed against estate of 3841 502
justice of the peace, not to purchase, when 4509 100

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CLAIMS - Continued.											
notice of, for damage by fire from or stock killed by locomotives to be given before suit	3840										202
against estates of deceased persons, allowance of	3839										171
CLAM RIVER:											
Polk county, dam across			233								
Burnett county, dam across								251			
same, dam across											231
CLARK COUNTY:											
amending act for division of, to create county of Taylor		69									
terms of circuit court in	2431			35					119	12 47	
certain swamp lands in, granted to							440				
sale of, by, how made							440				
county treasurer to issue a certificate of sale to purchaser							440				
county clerk to make and deliver quit claim deed to purchaser							440				
fees of clerk		150					440				
state road in to Colby			261		125	232	440				
relating to swamp lands in				234							
to aid Black River Railroad company in construction of a railroad											
extending time for earning certain bonds given in aid to Black River R'y by certain towns in				1							
general term of circuit court in, special for whole circuit									119		
CLARK COUNTY AGRICULTURAL SOCIETY:											
appropriation to					148						
CLAYTON:											
town of, Crawford county, authorized to build a bridge across Kickapoo river						143					
act authorizing certain highway tax expended in				84							
authorized to borrow portion of trust funds of state, to aid in building railroad, conditions of loan							143				

CLAYTON, GEORGE, ET AL.:
dam across Eau Claire river, Marathon county 242

CLEAR LAKE:
action of school district No. 4, in town of, legalized 50
legalizing vote on, abolishing township system of school government 805

CLERK OF CIRCUIT COURT:
of Eau Claire county, compensation while acting as clerk of county court 124
repealed 190
deputies of, how appointed 741 18
duties of, on appeals under 1217 46
fees of, in certain cases 748, 3751, 3763 166
this act not to apply to certain 4.00
fees of, for entry and discharge of judgment against insolvent 395
duty of, drawing jurors, etc 140, 294, 493
to have copy Sanborn & Berryman's Annotated Statutes 20
to docket and index judgments and decrees of U. S. Court 146
of Kenosha county, *ex-officio* register in probate 6

CLERK OF COURT OF RECORD—(See Fees):
to enter judgment or decrees affecting real estate in separate books 200
liability for making false entry 200
fees of 200
may adjourn court on telegram of judge 257 215
venires, when issued by 253 294

CLERKS OF ELECTION:
number at each poll, qualifications 25 446

CLERKS OF LEGISLATURE—(See Legislature):
how employed and compensation 1

CLINTONVILLE:
city of, incorporated 161

COAST SURVEY—(See United States Coast Survey): 38

COAT OF ARMS OF WISCONSIN:
description of 280

CO-EMPLOYE LAW:
liability of railroads to employes ..... 1816 ..... 438 ..... 1.0

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COLBY, CITY OF:											
incorporated										128	
COLE, ALBERT G.:											
acts of, as court commissioner in Kenosha county, legalized		238									
COLEMAN:											
town of, Fond du Lac county, organized											16
COLEMAN, MRS. MARGARET:											
appropriation to					289						
COLLECTION OF TAXES—(See Taxation):											
relating to, of unpaid personal property	1127							225			
county clerk may extend time for, in tax roll	1084								3		
COLLECTION OF WAGES—(See Wages):											
to facilitate; when plaintiff not required to give security for costs						223					
COLLEGE OF LAW OF UNIVERSITY OF WISCONSIN:											
appropriation tor building for										29	
COLLEGES:											
Downer, may receive gifts, bequests, etc											274
charter of Ripon amended											27
COLUMBIA COUNTY:											
to legalize acts of L. S. Rolleston as county clerk of			69								
repealing act for protection of fish in Baraboo river			224								
Commissioners of Public Lands to sell certain tract of land in				91							
relating to proceeds of sale of swamp and overflowed lands in						323	90	292			
repealing act of 1866, providing for keeping of abstract of tax sales in				104							
authorizing county board to appropriate aid to rebuild bridges washed away by overflow of Wisconsin river					61						
repeal of ch. 140, P. & L. laws 1882, publication of notice of tax sale, etc									501		

terms of circuit and county court in	2462									6	2 131
to receive certain indemnity land money for use of town of Caledonia in										121	
COLUMBIA COUNTY AGRICULTURAL SOCIETY:											
appropriation to							34				
COLUMBIAN EXPOSITION—(See World's Fair):											
appropriation to										433	140
COLUMBIA COUNTY WOOL-GROWERS' ASSOCIATION:											
appropriation to								340			
COLUMBUS:											
city charter of, amended						181					
city of, authorized to issue bonds to build a school house				111						21	
COLLETTE, HENRY:											
dam across Pine River, Forest county										229	
COLUMBUS TOWN FIRE INSURANCE COMPANY:											
to legalize certain action of		68									
COLUMBUS UNION FAIR AGRICULTURAL SOCIETY:											
appropriation to		75									
COMET RIVER:											
dam across											203
COMLY, RICHARD W.:											
appropriation to					311			456			
COMMERCIAL BRIDGE COMPANY:											
free wagon bridge across Sturgeon Bay, Door county										324	
COMMISSIONER OF BUREAU OF LABOR, CENSUS AND INDUSTRIAL STATISTICS:											
governor to appoint a						319	247				
may appoint deputy, factory inspector and clerk							247				
salaries of							247				
may appoint assistant factory inspector								453			
duties of commissioner							247				
must enforce act preventing child labor										109	
powers of, deputy and factory inspector							247				
forms to be prescribed by commissioner and transmitted							247				
to make report to governor							247				
to have a seal, may administer oaths							247				

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885	1887.	1889.	1891.	1893.
COMMISSIONER OF BUREAU OF LABOR, CENSUS AND INDUSTRIAL STATISTICS - Continued:											
compensation of							247				
relating to printing and distribution of report of							303		526		
COMMISSIONER ON CANADA THISTLES, OR NOXIOUS WEEDS:											
towns, cities and villages to appoint a							233	313	432		
duties of, and compensation							233	313	432		
when overseers of highways to act as; duty of town chairman										217	
COMMISSIONER OF DAIRY AND FOOD—(See Dairy and Food Commissioner):											
report of											109
COMMISSIONER OF INSURANCE—(See Insurance Commissioner; Insurance Companies):											
COMMISSIONERS OF PARKS:											
city councils may appoint											313
COMMISSIONER OF RAILROADS—(See Railroad Commissioner; Railroads):											
COMMISSIONERS OF FISHERIES:											
appropriations to		15	64	38	49	53	24	9	9	207	
supply private parties with spawn		23									
limiting number of pages of report of							303		526		
additional copies may be ordered										309	
for enlarging state fish hatchery										307	
to notify owner of dams in Rock river to construct fishways therein										345	
to be furnished office in capitol	1496										76
to direct fishways in Dunn county											309
appropriation to, for fish car											186
COMMISSIONERS TO PROMOTE UNIFORM LEGISLATION:											
governor may appoint											88

COMMISSIONERS OF PUBLIC LANDS—(See Swamp Lands):
rate of interest of trust funds allowed
management of trust funds, loans, how made to school districts, etc
application for, how acted on by 261 262 541 279 803 143
to ascertain amounts due counties of Dane, Juneau, Kewaunee and Manitowoc on proceeds of sales of public lands under laws of 1882, 1885 and 1887 320
proceeds of sales of swamp lands under act of March 2, 1855, how divided among counties 340

AUTHORIZED TO MAKE LOANS FROM TRUST FUNDS OF STATE AS FOLLOWS:

To Cities:

Beaver Dam 12
Berlin 4 77 169
Chippewa Falls 308
Green Bay 288
Jefferson 161
Kewaunee 153
Manitowoc 172
Menomonie 246
Mineral Point 4 113
Neneeh 202
Ripon 4
Stevens Point 450
Waupaca 198
Wausau 8

To Counties:

Barron 49
Brown 136
Dunn 1814 353
Lincoln 280 314 260
Oconto 271
Outagamie 95 237
Portage 85 231
Shawano 5
Taylor 189
Trempealeau 101
Vernon 1

To Towns:

Alden, Polk county 143
Apple River, Polk county 143
Arcadia, Trempealeau county 805
Balsam Lake, Polk county 143
Burnside, Trempealeau county 84
Cedarburg, Ozaukee county 247
Clayton, Polk county 143
Eureka, Polk county 143
Farmington, Polk county 143
Kewaunee, Kewaunee county 10
Lincoln, Trempealeau county 283

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COMMISSIONERS OF PUBLIC LANDS—(See Swamp Lands)—Continued:											
Authorized to make Loans from Trust Funds of State as Follows:											
Lincoln, Polk county							143				
Little Wolf, Waupaca county		84									
Loraine, Polk county			270								
Luck, Polk county		109									
Lynden, Sheboygan county			53								
Milltown, Polk county							143				
[illegible]neral Point, Iowa county		3									
[illegible]ola, Polk county							143				
[illegible], Portage county		185									
[illegible]e Falls, Polk county							143				
[illegible]nce, Waupaca county		161									
Waupaca county		198									
[illegible] in which township system of school exists, for purpose of building school house							354			381	
Agricultural Society for purchase of grounds, etc											
[illegible] payment of installment of principal and interest due on loan to [illegible]s, Trempealeau county						102					
[illegible]on, city of Madison								410			
[illegible]rnor to adjust and settle differences between state and railway companies in the state, in relation to lands claimed as [illegible] the limits of such railway grants						215				410	
[illegible]s of state against past state treasurers										330	
[illegible]r lumber cut from state lands by trespassers		241								320	
[illegible]l and practical woodsmen to scale trespasses						1235					
[illegible]land in Waushara county						2305					
[illegible]ed in Waushara county						2327				480	
[illegible]d in Waushara county						1852				480	
[illegible] lands in Calumet and Manitowoc counties											
[illegible] reference to above lands										365	
[illegible]ls in Adams, Juneau, Marquette and Winnebago										279	
[illegible]rcels swamp and overflowed lands, when											

...arry out provisions of chapter 352, laws of 1883								431		480	
...m market							222				
...ng to		197									
...ng to				237							
		168									
...d classify swamp lands in Crawford county; ...h; duties of										428	
...o school district No. 12, town of Darlington			5								
...to school district No 6, town of Union, Rock											
			204								
...n to Mayville Union school district				2							
...or lesser seal	180	194									
...a county				91							
											229
...y & Lake Michigan Ship Canal and											
				115							
...rom trust funds of state	r258[5]			167							
...chool section addition to city											
				180							
...e, re-appraised and offered											
				290							
					255						
	258[4]					82					
							210				
...No. 1, Dodgeville							8				
...Columbia on sale of swamp and											
							90				
...s, Florence, Forest, Marinette, ...and certify same to secretary											
								192			
...a county							154				
								51			
								10			
								98			
								260			
								472			
							303		526		
										309	
...ane, Dunn and Armstrong's addition to											
							445				
										273	
							459				
										121	
										207	
											177
											157
											176

...sam...
a certain sw...
relating to repo...
additional copies...
authorized to sell certain ...
the city of Portage...
shall be members of board of deposit...
authorized to sell certain land in Waushara county...
to ascertain amount due town of Caledonia, Columbia county, on sale of indem-
...ty lands in...
...riation from school and university fund to Warren J. Lander...
...Claire Light Guard Armory Co...
...Green City Guard Armory Co...
...of Education...

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COMMISSIONERS OF UNITED STATES COURTS:											
may administer oaths and take acknowledgments			9								
COMMISSIONERS OF WISCONSIN RAILROAD FARM MORTGAGE LAND COMPANY:											
to close up business of said corporation					235	340					
time for filing claims					118	235	340				
COMMISSIONS:											
of officers in military service; when lost, duplicate furnished		184									
COMMITMENTS:											
to insane hospital; procedure	r592, r574, 593		266	202		35			228	153	
to industrial schools					175			424			
COMMON COUNCIL—(See Cities):											
powers of under general incorporation act											812
COMMON SCHOOLS—(See Township System of School Government):											
amendment to article 10, section 1, constitution, relating to								357			
relating to	430[14]						124				
relating to purchase of books for	436						93	266			
portion of fund income of, appropriated for purchase of library for								426	288		
to promote attendance at, of children										187	
report of district clerks	462				73	298			155, 370		
powers of board in purchasing books, apparatus, etc	430										50
COMPENSATION—(See Legislation, Fees):											
of officers and employes of legislature											1
of chaplains of legislature											300
COMPLAINTS:											
where state is plaintiff, may be amended on appeal from justice's, municipal or police courts								184			
in libel cases, what to state	4322										256

COMPULSORY EDUCATION:
children between the ages of seven and fourteen to be sent to school; exceptions ..... 121 ..... 519 4 187
duty of school boards and officers; record of violations of acts to be filed ..... 121 ..... 298 ..... 519 .....
school books to be furnished ..... 121 ....
penalty for violation of act ..... 121 .... 73 519 .....
repealing chapter 519, laws of 1889 .... 4 .....
director or president of school board to prosecute; penalty for failure so to do ..... 121 ....
requiring attendance at school of children between the ages of seven and thirteen years .... 187 .....
repealing section 5, chapter 121, laws 1879 .... 73 ....

COMPUTATION OF TIME:
in statutes ..... 4971 194 ....

CONAN, ELIZA:
and another, to construct piers, docks and wharves in Bay of Superior, Douglas county .... 206 ....

CONDEMNATION PROCEEDINGS:
may be had for purchase of toll roads by towns .... 307 ....
compensation for land in highways .... 255 ....
when counties require lands for county buildings, etc., duty of boards .... 306 .....

CONDITIONAL SALES:
of railroad equipment, when to be valid .... 274 ....
of furniture and household effects; vendee to have statement of amount due; redemption; contract to be filled .... 518 ....

CONDUCTORS:
to have police powers in certain cases .... 29 ....

CONFINEMENT:
penalty for forcible ..... 4387 .... 257 ....
of insane, incompetent or imbecile persons addicted to lewdness .... 237 ....

CONGREGATIONAL CHURCH:
incorporation of religious societies in connection with .... 284 ....
and society of Union Grove, Racine county, acts of, legalized .... 138 ....

CONGRESSIONAL DISTRICTS:
apportionment of state into .... 244 .... 483 .....

CONOVER, ALLEN D:
to certify certain claims for material, etc., furnished for university before payment made .... 504 ....

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883	1885.	1887.	1889.	1891.	1893.
CONSOLIDATION OF ACTIONS:											
against insurance companies											235
CONSPIRACY:											
relating to, to injure a person in his reputation, trade, business, etc.								287			
CONSTABLES—(See Fees):											
not to serve process in actions when interested	844			145							
election of, in incorporated villages				270							
fees of, on inquest of dead							240				
to impound live stock running at large	7763							69			
CONSTITUTION OF STATE:											
submission of amendments to, for biennial sessions of legislature				262							
submission of amendment to, relating to qualification and registration of electors					272						
submission of amendment to, providing for biennial general elections					290						
submission of amendments to section 1, article 10, relating to education								357			
submission of amendment to section 4, article 7, relating to supreme court									22		
submission of amendment to subdivision, 9 of section 31, of article IV, relating to special legislation										362	
amendments to, hereafter submitted to be printed on ballot									248		
CONSTITUTIONAL CONVENTIONS:											
of 1846, 1847–48; authorizing secretary of state to subscribe for biographical sketches of members of			275								
CONSTRUCTION OF STATUTES:											
computation of time in legal affairs	4971	194									
CONTAGIOUS DISEASES—(See Infectious and):											
to prevent spread of				168							
CONTEMPTS, PUNISHMENT FOR:											
when court commissioner may order	2434						309				
judge at chambers may order	3477						309				

CONTINGENT FUND:											
appropriation to		17		11	28	34	35	379	100	258	52
to appropriate a, for prevention of Asiatic cholera							295	452	64		238
CONTRACTOR—(See Liens):											
liability of, for claims of sub contractor to owner, penalty for using materials for which credit has been obtained otherwise than as represented									333		
CONTRACTS:											
for lease of railroad equipment, when valid						274					
village officers not to be interested in											17
CONTRACT SYSTEM:											
in poorhouses and asylums forbidden							425				
CONTRIBUTIONS:											
for relief of sufferers by calamities; surplus, how disposed of									359		
CONTROL—(See State Board of Control)										221	
CONVENTIONS, POLITICAL:											
how held in Milwaukee county											249
CONVENTIONS OF COUNTY SUPERINTENDENTS OF SCHOOLS:											
to be held by state superintendent							65				
county superintendent to attend							65				
expenses paid by county							65				
CONVERSION:											
of personal property, interpleader in actions for	2610					41					
of timber, etc., wrongfully severed from land of another, to one's own use	4415a			170					397		
CONVEYANCES:											
execution and acknowledgment of, in foreign countries	2220	194									
heretofore executed according to laws of other state, etc., but not of this, when valid	2219									293	
of lands may be acknowledged before register of deeds	2216		129								
of land heretofore executed without seal, declared valid						348					
of real estate defectively acknowledged, declared valid							335				
what sufficient to record entry of								323			
penalty for conveying encumbered real estate, with intent to defraud, without giving notice of, to the purchaser								244			
certain defects in, which have been properly recorded twenty years, cured									404	288	
of real estate by special guardian, when, form of deed	2213								345		
commission to promote uniform laws as to created											83
CONVICTS:											
discharged, when restored to civil rights		207								236	

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapter and Amendments.									
	No. of section.	1879.	1850.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CONVICTS - Continued:											
term of sentence, when to commence, general sentence, form, etc	4733								300		
in state prison: diminution of term of sentence diminished for good conduct of			238								
diminution table			238								
forfeiture of diminution			238								
separate sentences construed as one continuous sentence			238								
diminution for past good conduct, how computed			238								
state board of supervision may make rules for compensating	4942								217		
and for parole of									390		
employment of, in county jails, county board to have direction of								200			
when transportation furnished at discharge			238								
when good conduct not to diminish sentence	4942				201						
employment of, in Grand Rapids							55				
committee to investigate best means of employing								507			
appropriation to									98		
where confined in certain cases	4944										108
CO-OPERATIVE ASSOCIATIONS:											
formation of								126			
COPPER RIVER:											
Lincoln county, dam across						170					
COPYISTS:											
of bills in legislature, how employed and paid											1
COPY LAWS:											
daily newspapers to be paid for publishing, when	821			101							
newspapers to be paid for publication of	831			101	809		848				
CORDWOOD:											
assessment of, for taxation	1040	244								473	
CORNING:											
town of, Lincoln county, boundaries defined		170		116							

CORN MEAL:												
legal weight of bushel of	1605			121								
CORONER:												
to take inquest of dead in Dane county	r4882			r147	110							
to co-operate with fish and game warden in enforcing game and fish laws											436	
may take inquests of dead						12						
in counties of 150,000, may appoint deputy									78			
CORPORATIONS—(See Insurance Companies; Railroads, Religious Societies; Incorporations):												
for what purpose may be organized	1771					220						
providing for the reorganization of certain, for conducting life insurance business on the assessment plan	1771										440	
for encouraging, establishing, etc., manufacturing establishments, etc											408	
when may take stock in, so aided	1775										408	
executors or trustees may organize, to carry out provisions of will	1771							180				
may be formed for purpose of guaranteeing title of real estate	1771							852				
capitol stock of, may be unlimited	1772[2]	7										
relating to mutual loan and building	20.0						127					
when any notice is required to be served, posted or given by, affidavit of any person making service to be filed with clerk or secretary of, when presumptive evidence of service							356					
stock or bonds may be sold at current rates on stock exchanges	1751			93								
what is sufficient delivery to transfer title to stock of	1751										414	
original holder liable on, until transfer recorded	1751										44	
information may be filed against without preliminary examination	4654			173								
when word "limited" to be in name of	1772[2]			r143			256					
when parties to actions, officers may be examined at instance of adverse party	4086				194							
organization, declared legal in certain cases	1791					118						
when may acquire privileges and franchises heretofore (or hereafter granted)						221					127	
fees for filing articles of incorporation, or amendments to articles	1772[2]					241						
in this state for improvement of streams, driving logs, etc., may hold stock or unite with similar corporations in this state on same stream		82										
domestic or foreign, for improvement of streams, log driving, etc., may purchase stock in similar corporations, foreign or domestic	1775			133		70					{234 {288	
for improvement of streams, log driving, etc., powers of	ch. 86		279									
for improvement of streams and driving logs therein; powers of; may overflow lands; proceedings for condemnation; appointment of commissioners; report; appeals	1777				318							
for manufacture of gas, right to use streets, alleys, etc	1780	211										
gas companies may manufacture gas for heating, etc					208							
controlled by aliens, amount of land owned by, in state, limited								479				
for construction of water works; right to use streets, alleys, etc	1780	211										
for construction of water works; may acquire real estate by right of eminent domain					338	165						

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COLBY, CITY OF:											
incorporated										128	
COLE, ALBERT G.:											
acts of, as court commissioner in Kenosha county, legalized		238									
COLEMAN:											
town of, Fond du Lac county, organized											16
COLEMAN, MRS. MARGARET:											
appropriation to					289						
COLLECTION OF TAXES—(See Taxation):											
relating to, of unpaid personal property	1127							325			
county clerk may extend time for, in tax roll	1084								8		
COLLECTION OF WAGES—(See Wages):											
to facilitate; when plaintiff not required to give security for costs						223					
COLLEGE OF LAW OF UNIVERSITY OF WISCONSIN:											
appropriation for building for										29	
COLLEGES:											
Downer, may receive gifts, bequests, etc											204
charter of Ripon amended											27
COLUMBIA COUNTY:											
to legalize acts of L. S. Rolleston as county clerk of			69								
repealing act for protection of fish in Baraboo river			224								
Commissioners of Public Lands to sell certain tract of land in				91							
relating to proceeds of sale of swamp and overflowed lands in						323	90	293			
repealing act of 1866, providing for keeping of abstract of tax sales in				104							
authorizing county board to appropriate aid to rebuild bridges washed away by overflow of Wisconsin river					81						
repeal of ch. 149, P. & L. laws 1862, publication of notice of tax sale, etc									501		

terms of circuit and county court in ..... 2462 ..... 0 { 2 131
to receive certain indemnity land money for use of town of Caledonia in..... ..... 121 .....

COLUMBIA COUNTY AGRICULTURAL SOCIETY:
appropriation to..... 34 .....

COLUMBIAN EXPOSITION—(See World's Fair):
appropriation to 433 140

COLUMBIA COUNTY WOOL-GROWERS' ASSOCIATION:
appropriation to..... 340 .....

COLUMBUS:
city charter of, amended.. ..... 181 .....
city of, authorized to issue bonds to build a school house..... 111 ..... 21 .....

COLLETTE, HENRY:
dam across Pine River, Forest county..... 229 .....

COLUMBUS TOWN FIRE INSURANCE COMPANY:
to legalize certain action of..... 68 .....

COLUMBUS UNION FAIR AGRICULTURAL SOCIETY:
appropriation to..... 75 .....

COMET RIVER:
dam across..... 203

COMLY, RICHARD W.:
appropriation to..... 311 ..... 456 ....

COMMERCIAL BRIDGE COMPANY:
free wagon bridge across Sturgeon Bay, Door county..... 324 .....

COMMISSIONER OF BUREAU OF LABOR, CENSUS AND INDUSTRIAL STATISTICS:
governor to appoint a..... 319 247 ....
may appoint deputy, factory inspector and clerk ..... 247 ....
salaries of..... 247 ....
may appoint assistant factory inspector..... 453 ....
duties of commissioner..... 217 ....
must enforce act preventing child labor..... 109 .....
powers of, deputy and factory inspector..... 247 ....
forms to be prescribed by commissioner and transmitted..... 247 ....
to make report to governor..... 247 ....
to have a seal, may administer oaths..... 217 ....

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885	1887.	1889.	1891.	1893.
COMMISSIONER OF BUREAU OF LABOR, CENSUS AND INDUSTRIAL STATISTICS - Continued:											
compensation of							247				
relating to printing and distribution of report of							303		526		
COMMISSIONER ON CANADA THISTLES, OR NOXIOUS WEEDS:											
towns, cities and villages to appoint a							233	313	432		
duties of, and compensation							233	313	432		
when overseers of highways to act as; duty of town chairman										217	
COMMISSIONER OF DAIRY AND FOOD—(See Dairy and Food Commissioner):											
report of											109
COMMISSIONER OF INSURANCE—(See Insurance Commissioner; Insurance Companies):											
COMMISSIONERS OF PARKS:											
city councils may appoint											313
COMMISSIONER OF RAILROADS—(See Railroad Commissioner; Railroads):											
COMMISSIONERS OF FISHERIES:											
appropriations to		15	64	38	49	52	24	9	9	207	
supply private parties with spawn		23									
limiting number of pages of report of							303		526		
additional copies may be ordered										309	
for enlarging state fish hatchery										307	
to notify owner of dams in Rock river to construct fishways therein										345	
to be furnished office in capitol	1496										76
to direct fishways in Dunn county											300
appropriation to, for fish car											186
COMMISSIONERS TO PROMOTE UNIFORM LEGISLATION:											
governor may appoint											88

COMMISSIONERS OF PUBLIC LANDS—(See Swamp Lands):
rate of interest of trust funds allowed 261
management of trust funds, loans, how made to school districts, etc 262
application for, how acted on by 641 679 143
to ascertain amounts due counties of Dane, Juneau, Kewaunee and Manitowoc on proceeds of sales of public lands under laws of 1882, 1885 and 1887 803
proceeds of sales of swamp lands under act of March 2, 1855, how divided among counties 820 840

AUTHORIZED TO MAKE LOANS FROM TRUST FUNDS OF STATE AS FOLLOWS:

To Cities:

Beaver Dam		12								
Berlin			4			77		109		
Chippewa Falls				308						
Green Bay			288							
Jefferson		161								
Kewaunee						153				
Manitowoc		172								
Menomonie								246		
Mineral Point		4							113	
Neneeh			202							
Ripon							4			
Stevens Point									450	
Waupaca		198								
Wausau			8							

To Counties:

Barron		49								
Brown			136							
Dunn								1314	353	
Lincoln			280	314		260				
Oconto				271						
Outagamie			95	237						
Portage			85						231	
Shawano		5								
Taylor			189							
Trempealeau		101								
Vernon				1						

To Towns:

Alden, Polk county						143				
Apple River, Polk county						143				
Arcadia, Trempealeau county					305					
Balsam Lake, Polk county						143				
Burnside, Trempealeau county			34							
Cedarburg, Ozaukee county		247								
Clayton, Polk county						143				
Eureka, Polk county						143				
Farmington, Polk county						143				
Kewaunee, Kewaunee county			10							
Lincoln, Trempealeau county			283							

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COMMISSIONERS OF PUBLIC LANDS—(See Swamp Lands)—Continued:											
Authorized to make Loans from Trust Funds of State as Follows:											
Lincoln, Polk county							143				
Little Wolf, Waupaca county		84									
Loraine, Polk county			270								
Luck, Polk county		109									
Lynden, Sheboygan county			53								
Milltown, Polk county							143				
Mineral Point, Iowa county		8									
Osceola, Polk county							143				
Plover, Portage county		185									
St. Croix Falls, Polk county							143				
St. Lawrence, Waupaca county		161									
Waupaca, Waupaca county		198									
to any town in which township system of school exists, for purpose of building school house							354				
to loan to State Agricultural Society for purchase of grounds, etc										381	
to extend time for payment of installment of principal and interest due on loan to town of Arcadia, Trempealeau county						102					
to board of education, city of Madison								410			
together with governor to adjust and settle differences between state and any land grant railway companies in the state, in relation to lands claimed as swamp lands within the limits of such railway grants						215					
when may settle claims of state against past state treasurers										410	
may seize logs, timber or lumber cut from state lands by trespassers	241									320	
shall employ experienced and practical woodsmen to scale trespasses										320	
to sell a certain tract of land in Waushara county						225					
to sell a certain tract of land in Waushara county						226					
to sell a certain tract of land in Waushara county						227					
to dispose of certain swamp lands in Calumet and Manitowoc counties						352				480	
defining certain duties of, in reference to above lands										480	
to sell and patent certain lands in Adams, Juneau, Marquette and Winnebago counties at reduced price									305	378	
to issue patents to owners of certain swamp and overflowed lands, when											

to enable commissioners to carry out provisions of chapter 353, laws of 1883								431		480		
to withdraw public lands from market							223					
loan to Burnett county, relating to		197			237							
loan to Outagamie county, relating to		168										
loan to Wood county, increased												
to appoint appraisers to appraise and classify swamp lands in Crawford county; report to be made to and filed with; duties of										428		
extending time of payment of loan to school district No. 12, town of Darlington			5									
extending time of payment of loan to school district No 6, town of Union, Rock county			204									
extending time of payment of loan to Mayville Union school district					2							
certified copies from, under great or lesser seal	186	194										
to sell certain school lands in Columbia county					91							
to loan to district No. 2 of Appleton												229
to convey certain lands to the Sturgeon Bay & Lake Michigan Ship Canal and Harbor Company					115							
authorized to make loans and extensions of loans from trust funds of state	†258[3]				167							
to accept satisfaction of mortgage on certain lots in school section addition to city of Racine					180							
to have certain lands in Grant county escheated to state, re-appraised and offered for sale					290							
to restore certain lands to market						255						
investments of trust funds in bonds by	258[4]						82					
to Light Horse Squadron, Milwaukee								210				
authorized to make loan to school district No. 1, Dodgeville								8				
to compute amount due counties of Sauk and Columbia on sale of swamp and overflowed lands								90				
to apportion the amount due to counties of Adams, Florence, Forest, Marinette, Marquette and Oconto, under ch. 90, laws 1885, and certify same to secretary of state									192			
authorized to sell certain tract of land in Waupaca county								154				
authorized to sell certain land in Jackson county									51			
same in Grant county									10			
same in Crawford county									98			
same in Waupaca county									260			
a certain swamp island in Wisconsin river									472			
relating to report of								308		526		
additional copies may be ordered											309	
authorized to sell certain lots in McFarlane, Dunn and Armstrong's addition to the city of Portage								445				
shall be members of board of deposit											[2]278	
authorized to sell certain land in Waushara county								459				
to ascertain amount due town of Caledonia, Columbia county, on sale of indemnity lands in											121	
appropriation from school and university fund to Warren J. Lander											207	
to Eau Claire Light Guard Armory Co												177
to Evergreen City Guard Armory Co												157
to Board of Education												176

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COMMISSIONERS OF UNITED STATES COURTS:											
may administer oaths and take acknowledgments			9								
COMMISSIONERS OF WISCONSIN RAILROAD FARM MORTGAGE LAND COMPANY:											
to close up business of said corporation					235	340					
time for filing claims					113	235	340				
COMMISSIONS:											
of officers in military service; when lost, duplicate furnished		184									
COMMITMENTS:											
to insane hospital; procedure	r592 r574 593		206	202		85			228	153	
to industrial schools					175			424			
COMMON COUNCIL—(See Cities):											
powers of under general incorporation act											312
COMMON SCHOOLS—(See Township System of School Government):											
amendment to article 10, section 1, constitution, relating to								357			
relating to	430[14]						124				
relating to purchase of books for	436						93	266			
portion of fund income of, appropriated for purchase of library for								426	288		
to promote attendance at, of children										187	
report of district clerks	462				72	298			155 370		
powers of board in purchasing books, apparatus, etc	436										56
COMPENSATION—(See Legislation, Fees):											
of officers and employes of legislature											1
of chaplains of legislature											800
COMPLAINTS:											
where state is plaintiff, may be amended on appeal from justice's, municipal or police courts								184			
in ill n case, what to state	3322										256

COMPULSORY EDUCATION:											
children between the ages of seven and fourteen to be sent to school; exceptions		121						519	4 187		
duty of school boards and officers; record of violations of acts to be filed		121			298			519			
school books to be furnished		121									
penalty for violation of act		121					73	519			
repealing chapter 519, laws of 1889									4		
director or president of school board to prosecute; penalty for failure so to do		121									
requiring attendance at school of children between the ages of seven and thirteen years									187		
repealing section 5, chapter 121, laws 1879							73				
COMPUTATION OF TIME:											
in statutes	4971	194									
CONAN, ELIZA:											
and another, to construct piers, docks and wharves in Bay of Superior, Douglas county						206					
CONDEMNATION PROCEEDINGS:											
may be had for purchase of toll roads by towns								307			
compensation for land in highways								255			
when counties require lands for county buildings, etc., duty of boards									306		
CONDITIONAL SALES:											
of railroad equipment, when to be valid						274					
of furniture and household effects; vendee to have statement of amount due; redemption; contract to be filled								518			
CONDUCTORS:											
to have police powers in certain cases			29								
CONFINEMENT:											
penalty for forcible	4387					257					
of insane, incompetent or imbecile persons addicted to lewdness								237			
CONGREGATIONAL CHURCH:											
incorporation of religious societies in connection with			284								
and society of Union Grove, Racine county, acts of, legalized						138					
CONGRESSIONAL DISTRICTS:											
apportionment of state into					244				483		
CONOVER, ALLEN D:											
to certify certain claims for material, etc., furnished for university before payment made								504			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CONSOLIDATION OF ACTIONS:											
against insurance companies											235
CONSPIRACY:											
relating to, to injure a person in his reputation, trade, business, etc.								287			
CONSTABLES—(See Fees):											
not to serve process in actions when interested	844			145							
election of, in incorporated villages				270							
fees of, on inquest of dead							240				
to impound live stock running at large	776[3]							69			
CONSTITUTION OF STATE:											
submission of amendments to, for biennial sessions of legislature				262							
submission of amendment to, relating to qualification and registration of electors					272						
submission of amendment to, providing for biennial general elections					290						
submission of amendments to section 1, article 10, relating to education								357			
submission of amendment to section 4, article 7, relating to supreme court									22		
submission of amendment to subdivision, 9 of section 31, of article IV, relating to special legislation										362	
amendments to, hereafter submitted to be printed on ballot									248		
CONSTITUTIONAL CONVENTIONS:											
of 1846, 1847-48; authorizing secretary of state to subscribe for biographical sketches of members of			275								
CONSTRUCTION OF STATUTES:											
computation of time in legal affairs	4971	194									
CONTAGIOUS DISEASES—(See Infectious and):											
to prevent spread of				168							
CONTEMPTS, PUNISHMENT FOR:											
when court commissioner may order	2434						369				
judge at chambers may order	3477						369				

CONTINGENT FUND:											
appropriation to		17		11	28	34	35	379	100	253	52
to appropriate a, for prevention of Asiatic cholera							295	452	64		238
CONTRACTOR—(See Liens):											
liability of, for claims of sub contractor to owner, penalty for using materials for which credit has been obtained otherwise than as represented									333		
CONTRACTS:											
for lease of railroad equipment, when valid						274					
village officers not to be interested in											17
CONTRACT SYSTEM:											
in poorhouses and asylums forbidden							425				
CONTRIBUTIONS:											
for relief of sufferers by calamities; surplus, how disposed of									359		
CONTROL—(See State Board of Control)										221	
CONVENTIONS, POLITICAL:											
how held in Milwaukee county											249
CONVENTIONS OF COUNTY SUPERINTENDENTS OF SCHOOLS:											
to be held by state superintendent							65				
county superintendent to attend							65				
expenses paid by county							65				
CONVERSION:											
of personal property, interpleader in actions for	2610					41					
of timber, etc., wrongfully severed from land of another, to one's own use	4415a			170					397		
CONVEYANCES:											
execution and acknowledgment of, in foreign countries	2220	194									
heretofore executed according to laws of other state, etc., but not of this, when valid	2219									293	
of lands may be acknowledged before register of deeds	2216		129								
of land heretofore executed without seal, declared valid						348					
of real estate defectively acknowledged, declared valid							335				
what sufficient to record entry of								323			
penalty for conveying encumbered real estate, with intent to defraud, without giving notice of, to the purchaser								244			
certain defects in, which have been properly recorded twenty years, cured									404	288	
of real estate by special guardian, when, form of deed	2213								345		
commission to promote uniform laws as to created											83
CONVICTS:											
discharged, when restored to civil rights		207								236	

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapter and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CONVICTS—Continued:											
term of sentence, when to commence, general sentence, form, etc	4733								390		
in state prison: diminution of term of sentence diminished for good conduct of			238								
diminution table			238								
forfeiture of diminution			238								
separate sentences construed as one continuous sentence			238								
diminution for past good conduct, how computed			238								
state board of supervision may make rules for compensating	4942								217		
and for parole of									390		
employment of, in county jails, county board to have direction of								200			
when transportation furnished at discharge			218								
when good conduct not to diminish sentence	4942				201						
employment of, in Grand Rapids							55				
committee to investigate best means of employing								507			
appropriation to									98		
where confined in certain cases	4944										108
CO-OPERATIVE ASSOCIATIONS:											
formation of								126			
COPPER RIVER:											
Lincoln county, dam across						170					
COPYISTS:											
of bills in legislature, how employed and paid											1
COPY LAWS:											
daily newspapers to be paid for publishing, when	831			101							
newspapers to be paid for publication of	831			101	809		848				
CORDWOOD:											
assessment of, for taxation	1040	244								473	
CORNING:											
town of, Lincoln county, boundaries defined		170		116							

CORN MEAL:											
legal weight of bushel of	1665			121							
CORONER:											
to take inquest of dead in Dane county	r4832			r147	110						
to co-operate with fish and game warden in enforcing game and fish laws										436	
may take inquests of dead						12					
in counties of 150,000, may appoint deputy									78		
CORPORATIONS—(See Insurance Companies; Railroads, Religious Societies; Incorporations):											
for what purpose may be organized	1771					220					
providing for the reorganization of certain, for conducting life insurance business on the assessment plan	1771									440	
for encouraging, establishing, etc., manufacturing establishments, etc										408	
when may take stock in, so aided	1775									408	
executors or trustees may organize, to carry out provisions of will	1771							180			
may be formed for purpose of guaranteeing title of real estate	1771							352			
capitol stock of, may be unlimited	1772[3]	7									
relating to mutual loan and building	20.0						127				
when any notice is required to be served, posted or given by, affidavit of any person making service to be filed with clerk or secretary of, when presumptive evidence of service							356				
stock or bonds may be sold at current rates on stock exchanges	1751			93							
what is sufficient delivery to transfer title to stock of	1751									414	
original holder liable on, until transfer recorded	1751									44	
information may be filed against without preliminary examination	4654			173							
when word "limited" to be in name of	1772[3]			r143			256				
when parties to actions, officers may be examined at instance of adverse party	4096				194						
organization, declared legal in certain cases	1791					118					
when may acquire privileges and franchises heretofore (or hereafter granted)						221				127	
fees for filing articles of incorporation, or amendments to articles	1772[3]					241					
in this state for improvement of streams, driving logs, etc., may hold stock or unite with similar corporations in this state on same stream		82									
domestic or foreign, for improvement of streams, log driving, etc., may purchase stock in similar corporations, foreign or domestic	1775			133		70				{234 {283	
for improvement of streams, log driving, etc., powers of	ch. 86		279								
for improvement of streams and driving logs therein; powers of; may overflow lands; proceedings for condemnation; appointment of commissioners; report; appeals	1777				318						
for manufacture of gas, right to use streets, alleys, etc	1780	211									
gas companies may manufacture gas for heating, etc					208						
controlled by aliens, amount of land owned by, in state, limited								479			
for construction of water works; right to use streets, alleys, etc	1780	211									
for construction of water works; may acquire real estate by right of eminent domain					335	165					

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CORPORATIONS—(See Insurance Companies; Railroads, Religious Societies, Incorporations)-Continued:											
for construction of street railways and tramways in villages and towns; organization of	1863	.....	221	.....	.....	.....	.....	.....	.....	.....	.....
for construction of street railways, right to use streets, alleys, etc., how granted	1862	.....	.....	219	.....	.....	.....	.....	.....	.....	.....
classification of directors of consolidated railway companies	.....	.....	.....	27	.....	.....	.....	.....	.....	.....	.....
foreign transportation companies; service of process upon	.....	.....	103	189	.....	.....	.....	.....	.....	.....	.....
powers of railway equipment companies	.....	.....	.....	.....	.....	277	.....	.....	.....	.....	.....
for mining, manufacturing, etc., may take and hold stock in corporations for generation of power or light	1775	.....	.....	.....	.....	70	.....	.....	.....	.....	.....
same of street railway corporations	1775	.....	.....	.....	.....	.....	.....	.....	.....	231	.....
organization of firemen or policemen relief associations	1967	.....	.....	.....	.....	.....	.....	.....	168	.....	.....
for manufacture of zinc; property of, exempt from taxation for three years	.....	.....	.....	.....	.....	203	.....	.....	.....	.....	.....
foreign, manufacturing in this state, to make certain reports to the secretary of state	.....	.....	.....	.....	.....	229	.....	.....	.....	.....	.....
organization and powers of trust companies	.....	.....	.....	.....	.....	205	.....	.....	.....	203 425	.....
for establishment and maintenance of hospital, asylums, and institutions for care, treatment or relief of insane or feeble-minded persons; powers; property of, exempt from taxation	*ch.* 86	.....	.....	.....	.....	171	.....	.....	.....	.....	.....
incorporation of religious societies in connection with Congregational churches	.....	.....	284	.....	.....	.....	.....	.....	.....	.....	.....
incorporation of congregations of Roman Catholic church	*ch.* 91	.....	.....	.....	.....	87	7449	.....	318	.....	.....
funds of insurance, how invested	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	115
for drainage, may condemn lands	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	245
may be sureties or guarantors of official bonds, etc	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	196
legalized where articles of incorporation are not verified	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	80
when may declare stock dividends	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	59
turnpike and plank road may purchase franchises	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	89
CORRESPONDING SECRETARY AND ASSISTANT LIBRARIAN: of historical society, to establish salary of	1765	.....	.....	.....	.....	.....	81	.....	.....	.....	.....
COSTS AND FEES—(See Fees): in circuit court; to be taxed on three days' notice	2997	.....	91	.....	.....	.....	.....	.....	.....	.....	.....

to be paid by plaintiff on reversal of judgment or order by supreme court, when								478			
in actions founded on unlawful cutting of timber, etc., when full costs recovered	2032		147								
in actions on contract, plaintiff recovering $100 or more	2018e			53							
security for, not required of infant plaintiff, when	2043										
on appeals from justices' courts	2025			22						258	
fees of justice of the peace and sheriff for assisting clerk in drawing jury	781 8774		174								
right to, when waived by failure to enter and perfect judgment					202						
on contested probate of will, in county and circuit courts, how paid				227							
upon settlement of estates of decedents and in guardianship proceedings in Milwaukee county	2483		202	152							
on appeal from commissioners in highway proceedings	1280			137							
of garnishee, when property is exempt					317	141					
on demand of jury trial in Dodge, Fond du Lac and Winnebago county courts	2478		86								
fees of justices, officers, etc., under act to suppress vagabondage		188			291			470			
fees of clerk, payment on appeals from justices' courts in Milwaukee county						108					
in criminal proceedings; what may be recovered from county when defendant escapes pursuit	680		117								
statement filed with county clerk in criminal proceedings to be *prima facie* evidence	680		117								
in justices' courts, when execution for costs in criminal proceedings may issue against complainant and his surety	4760		66								
what, to be paid by defendant when fine is imposed	4633			72							
to be paid out of county treasury, when	4633						246				
COUNTER CLAIM:											
may be pleaded in justices' courts as in courts of record	3626				197						
COUNTIES—(See County Board, etc.): boundaries of (see Names of Counties):											
when lists have been made and filed as provided in secs. 1053 and 1054, R. S. 1878, may have use and benefit thereof; otherwise repealed										438	
may aid towns in repairing and building highways, when								445			
newly organized, publication of tax lists in	1130 1131 1170	95									
may purchase or condemn real estate for jail purposes		188						470			
proceedings, when public records of, are destroyed	661a	194									
to regulate election primaries in, of over 150,000 population										439	
certified statement of patients in insane hospitals to be filed with secretary of state			96								
when liable for fees in criminal proceedings when defendant escapes pursuit	680		117								
statement of claims against, for fees in criminal proceedings to be *prima facie* evidence thereof	680		117								
accounts against state for care of insane paupers, how settled			276								
when tract indexes in, may be discontinued	762			149							
may grant use of bridges, etc., to street railways	1862			219							
when life or accident insurance companies may invest in bonds of	1951				204						
two or more may unite in care of chronic insane							209				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Charters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COUNTIES AND MUNICIPALITIES:											
to provide for procuring public records, distribution of debts and assets and pertaining to collection of taxes on erection of							834				
damages recoverable in actions against, for injuries under section 1339, limited to $5,000							454				
liability of, for injury to person by mobs								400			
COUNTY AGRICULTURAL SOCIETIES:											
relating to state aid to	1463						437	531	1234		250
not to be granted when sale of liquor or gambling permitted on grounds of							437	531	1234		250
appropriations not to be paid to those permitting gambling on grounds of, during fair							299	531	234		
providing for payment of debts of								47			
when entitled to state aid	1465							531			
COUNTY ASYLUMS—(See Insane Hospitals):											
may create asylum fund											98
Winnebago county may establish											175
act creating, amended								138			160
members of county board, ineligible as trustees of											165
COUNTY BOARD—(See Milwaukee county):											
county officers ineligible to	663					111					
time of holding annual meetings of	604					818					
to levy tax of one-fifth of one mill for relief of indigent soldiers, marines, etc								804	339	250	
not to sell tax certificates for less than face without publication of notice of such intention	664				199						
may allow bounties for killing foxes	670[a]		110								
powers of, relating to preservation of fish, etc., taken away	670[a]		321								
may erect monument to deceased soldiers	670				306						
when may establish wharf line on navigable waters	670			207		97 316					
when may alter or discontinue wharf lines	670					97 316					
may have direction of convict labor in county jails								200			

duties of, relating to relief of indigent soldiers, sailors and marines, their wives, etc									804	839	250	
to provide for publication of its proceedings			186									
copy of, and of other printed reports authorized by, to be forwarded by county clerk to State Historical Society										71		
when may divide towns	671	190		73	11 220	237						
validity of order of, organizing and changing boundaries of towns, when and how tested	674					54						
to fix salaries of county officers	694					180	200					
may fix salary of sheriff for services for county				53								
to appoint three suitable persons to look after burial of ex-union soldiers, sailors or marines in indigent circumstances who shall hereafter die in this state							18	885				
cities and incorporated villages in counties of 100,000, how represented on							53					
term of office of										165		
when and upon what property may levy bridge tax	1319	126		315			187			508		
statement to, of fees of jurors, etc., in criminal proceedings, to be *prima facie* evidence of claim; when county liable for fees, etc, if defendant escapes pursuit	680		117									
compensation of	695						149					
may select some bank, banks or banking association with which county funds shall be deposited, when	698						87				461	
security required of such depository							87				461	
to allow expenses of county superintendent of schools in attending superintendents conventions							65					
abstracts of sales of land in county to be made to, by clerk	1007						64					
abstracts of records of other counties affecting title to real estate in county to be procured by	670						155				192	
to procure at expense of county standard set of weights and measures, scales and beams	1660						181					
of any two or more counties may appoint committee to locate site and prepare plans for building asylum for chronic insane							209					
trustees to be appointed by, duties of							209					
may describe diet of inmates of county jails											392	
expenses of counties, how charged							209					
where composed of two members, county clerk member *ex-officio*	665						274					
may adjourn special meetings of, from time to time	664						431					
county clerk may adjourn annual, when; to give notice										403		
may fix per diem of county surveyor	772							43				
after next annual meeting of, trustees of county insane asylum shall be *ex-officio* trustees of poorhouse											244	
but board may order otherwise											244	
election of, in counties of 100,000 inhabitants										165		
when may condemn lands for county buildings, etc., procedure											306	
may allow county superintendent of schools pay for traveling expenses											368	
COUNTY CANVASSERS—(See Inspectors): relating to	46						272	250				288

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COUNTY CANVASSERS—(See Inspectors)—Continued:											
one of the associate canvassers taken by county clerk not to be of the same political party as											
duties of, regarding counties and preservation of ballots							272				
when county clerk not to act as, on recount, place how filled							464		336		
revision of law as to									336		
COUNTY CLERK:											238
duties of, relating to preparing cards of instruction, ballots, etc., for general election											
candidate to file notice of his desire for nomination in counties of 150,000 population									r248	379	238
may extend time for collection of taxes in tax roll										430	
to forward to State Historical Society copy of proceedings of county board and reports printed under direction of	1084								8		
when not to act as county canvasser on recount									71		
of Columbia county; to legalize acts of L. S. Rolleston as									r336	413	
penalty upon, for unlawful publication of unredeemed lands			69								
to keep cancellation books, and to furnish same to city, town and village clerks; what to be entered		150									
to dispose of redemption moneys from tax sales, which have remained in his hands more than six years		209									
duty of, as to statistics of pauperism and crime			220	80							
duties of, as to statistics of taxation and bonded indebtedness			271								
to furnish blanks for highway tax lists to town clerks				236							
form of receipt books to be prepared and furnished by, to town, village and city treasurers								477			
to supply voting precincts within their counties with self-sealing envelopes for preservation of ballots	1005							140			
fees on sales for taxes								250			
not to be interested in purchase of property at tax sales	1196			153							
duty of, as to giving notice of election	1143			208							
duty of, respecting burial of ex-union soldiers, sailors or marines	18					327					
to prepare abstracts of sales of land in each town, city or village in county separately, to be printed and laid before county board at its session in November	1007						18	386			
							64				

act to sign or issue any county order for payment of services of any justice of the peace, magistrate, clerk of court, district attorney or sheriff, until party files affidavit that he has paid into county treasury all sums collected for licenses, fines or penalties											
to forward number of county officers entitled by law to copy of session laws to superintendent of public property	859						42				
how distributed by, section 2							67				
to record statement of moneys paid by **state treasurer into county treasury**							67				
to distribute schedules and forms for census enumeration	993						150				
to prepare copy of enumeration and forward to **secretary of state**	997						161				
compensation of	1003						161				
penalty for neglect	1001						161				
to certify to secretary of **state accounts for taking census**	1003						161				
one of associates taken by, in county canvass not to be of **same political party as**	46						272				
ex-officio member of county board, when composed of two members	665						274				
when may adjourn annual meeting of county board, duty	664							403			
to give notice of expiration of time to redeem from tax sales	1170						306	186 / 416			
when not liable to penalty for failure to publish notice required	1170							186			
when may give notice by publication of lands omitted from published **tax list**	1172									225	
certificate to be issued by, on recount of ballots by board of canvassers								250			
to furnish blanks to clerks for statement of assessed valuations	1066								479		
to have copies of annotated statutes for use of county officers										205	
COUNTY COURT—(See Register in Probate; County Judge);											
when matters requiring notice may be heard at special terms	4049	246									
costs in, on contested probate of wills				227							
when county judge interested or of counsel, proceedings to be tried in circuit court	2453				810						
when judge may order testimony reduced to writing	2457								r260 / 496	341	
may direct administrators, executors and guardians to plat lands before sale											
no regular terms of, to be held in July and August	2449					42				112	
having civil jurisdiction, fees on demand of jury trial	2478		86								
employment of phonographic reporters; compensation	2437		89								
appeals from order judgment, etc., of, by minors, how taken	4031									248	
in Milwaukee county						1					
jurors, how selected when clerk of circuit court interested in action	2475		219								
practice in				17							
appearance of parties in, must be by attorney								205			
terms of court in	2469			18							
	2465			18							
	2467										
of Brown county; civil and criminal jurisdiction of, abolished	r2468	81									
	2469										
	2475										
salary of judge reduced	2482	81									

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COUNTY COURT—(See Register in Probate; County Judge)—Continued.											
jurisdiction of judgments rendered and actions pending in, transferred to circuit court		31									
lien of judgment not impaired		31									
of Dane county, appointment of register of probate in					32			393		78	
of Eau Claire county, compensation of clerk of circuit court in, while acting as clerk of					124						
repealed, and amending sec. 5, chapter 20, laws 1878, relating to fees of clerk of								199			
relating to appointment of special administrators by								195			
relating to granting letters, etc., to public administrator	3819							220	70		
appointment of guardians of insane persons by								293			
of Fond du Lac county; appointment of register in probate in						357					
of La Crosse county; appointment of register in probate in						40					
of Milwaukee county; terms of	2469	225		18 270							
appointment of register in probate in	2483		183			17					
fees to be paid by estates and guardians in	2483		262								
phonographic reporter in, his salary, duties, etc						1					
of Outagamie county; appointment of register in probate in					178						
of Pepin county; special terms in	2404				41					85	
of Portage county; additional jurisdiction conferred upon										357	
judge or partner or clerk not to be retained in matters before court	2452										47
of Waukesha county; civil, criminal and appellate jurisdiction conferred on	2404									99	
of Waukesha county; special terms in											131
of Winnebago county; criminal jurisdiction restored			58								
of Fond du Lac county; venue changed to circuit, when									261		
of Green Lake county; special terms in	2404									85	
act of 1866, conferring further jurisdiction on, of Manitowoc county repealed							20				
having civil jurisdiction may change place of trial of actions on appeal from justice and municipal courts to circuit court of proper county	2624						306				
when, may order settlement by guardian with ward on marriage of ward	3970							355 373			
of Winnebago county, extending criminal jurisdiction of, duties of judge											
notices by publicaton in, to be published in such newspaper as parties interested may select	4045							883 895			
penalty for neglect											

Dodge county, special terms in	2464						443		85		
same of Waukesha	2464								85		
not to be held in Trempealeau county at Trempealeau							443				
giving party right of appeal from orders made, by, in fixing the amount chargeable for maintenance of insane person in county asylums								139			
relating to fees, etc., of, on examination of insane									153		
allowance of claims against deceased persons in	3840										171
special terms may be held in certain counties	2464										131
COUNTY DEPOSITORY:											
to be designated by county board											250
COUNTY FUNDS:											
county board may select some bank, banks or banking association with which to deposit, on the giving by such depository adequate security	698					87			461		
COUNTY INSANE ASYLUMS—(See Insane Hospitals):											
COUNTY JUDGE:											
relating to fees, etc., of, on examination of insane									153		
of Kewaunee county, to have jurisdiction of justice of the peace				279							
repeal of above						14					
cemetery associations to report to							388				
duty of, respecting management of property							288				
county board to fix salary of	691				180	260					
compensation of, in other than probate matters		813									
when interested in, or of counsel in any action, shall upon application, change place of trial or hearing to circuit court of his county	2452			310							
duties of relating to restoring insane persons to their civil rights								55			
same in matter of confining insane, incompetent and imbecile persons addicted to lewdness								237			
may order testimony of witness reduced to writing—when	2457							260, 496	341		
not to make charge for drawing papers, etc., except certified copies, etc								496			
to repeal ch. 70, P. and L., 1872, relating to compensation of						96					
when record of insane person to be sent to, by superintendent of hospital or asylum						172					
report of commitments of minors to industrial schools and orphan asylums to be made to									371		
to examine applicants for admission to state public school for dependent and neglected children, when						377					
to change place of trial of actions from justice and municipal courts to circuit court of proper county, when	2624					366					
repealing chapter 143, laws 1866, conferring further jurisdiction on, of Ma[illegible]oe county						20					
when may order deaf mute or blind child sent to [illegible]r private inst[illegible]tor care									231		

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
COUNTY JUDGE—Continued:											
may grant certificate of title by descent, when								192			
parties appearing before, must appear by attorney								205	227		
to order publication of notices required in newspaper designated by parties								395			
notice to creditors to present claim, when to be published									406		
may commit poor, aged or infirm persons to poor house, when										241	
not to order publication of notice in paper owned or controlled by								429			
of Waukesha county, powers enlarged										99	
salary of, Winnebago county increased								471			
may employ phonographic reporter in probate cases										171	
to appoint soldiers' relief commission								† 304	339		
may grant permit for employment of children under 13 years of age, when									† 519	4	
may grant permit for employment of child under 14 years of age, when										109	
when to grant administration of estate to public administrator	3819								70		
of Milwaukee county may appoint phonographic reporter										184	
disqualified from acting as counsel, when											47
law partner, clerk, etc., so disqualified, when											47
COUNTY FUNDS:											
deposit of, regulated											269
COUNTY JAILS:											
board of supervisors may prescribe diet of inmates of, and fix compensation therefor										393	
COUNTY OFFICERS:											
register of deeds may appoint deputy; powers and duties	756								18		
coroner may appoint, when									78		
clerk, to have copies of Sanborn and Berryman's Annotated Statutes of Wisconsin for use of										205	
register of probate, to keep office at county seat	700									157	
COUNTY ORDERS:											
when actions may be brought on				241							
when not to be signed or issued by county clerk							49				

COUNTY ROADS:											
appeals from award of damages in proceedings to lay out, alter, etc	1301	194									
appeals from refusal to lay out, alter, etc	1302					85					
when damages for laying out exceed $1500, question to be submitted to the town liable therefor	1304					336					
COUNTY SEAT:											
how changed; when question of change not to be re-submitted within five years	655				257			35			
limitation of actions to test validity of change of				139							
COUNTY SUPERINTENDENT:											
vacancies in office of, how filled	967	178									
duties of, in relation to inspection districts	461a		r155	272							
reports of, as to schools	464				72	298			154		
when to be made by									154		
to attend conventions of							65				
to prescribe more fully the duties of, in counties where the salary is more than $800							215				
to countersign certificate or diploma of graduates of free high schools; effect of same							311				
may reside at county seat and keep office in county building								80			
secretary of school board to report to, what to contain	537								193		
duty of, as to deaf mutes and blind children										331	
may be allowed by county board sum for travelling expenses, not exceeding two hundred dollars										368	
COUNTY SUPERINTENDENT OF POOR:											
may prohibit sale of liquor to spendthrifts	1554						438				
may renew same	1555						438				
COUNTY SUPERVISORS:											
ineligible as trustees of county asylums											165
COUNTY SURVEYORS:											
fees of	772							43			
COUNTY TREASURER:											
penalty upon, for unlawful publication of delinquent tax list		150									
in Burnett and Marathon counties, when state taxes to be paid by	1121	202									
cannot hold office for three consecutive terms		r205	87								35
bond of; amount, how fixed when valuation exceeds $30,000,000	710		215								
when not to sell tax certificates unless purchaser pays costs, etc	1195				254						
rate of interest to be charged by, on sale of tax certificates	1192									182	
sealer of weights and measures for his county and custodian of standard of county, duties of, fees	1661						181				
penalty for neglect of duty as	1663						181				
when statement of sales of land made by, *prima facie*							819				
publication of notice of tax sale by, when not liable to penalty, etc	1180							108			
when to act as treasurer of county insane asylum								526		365	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893
COUNTY TREASURER—Continued:											
relating to publication by, of notice of lands to be sold for taxes	1170							440			
fee of, when carried out on roll									517		
ineligible after two terms											35
COUNTY TREASURY:											
expense of transportation to various county officers of session laws to be paid out of							67				
state treasurer to furnish county clerk with statement of moneys paid into							150				
costs in criminal cases to be paid out of, when	4633						346				
COURT COMMISSIONERS:											
fees of									302		
four to be appointed in Dane county	2433			10							
four to be appointed in Eau Claire county	2433							506			
four in each county	2433			151							
five in each county									121		
six in each county											
five in Winnebago county	2433					107				105	
five in Milwaukee county	2433						110				
to confer powers of, on Barron county municipal judge	2434						180				
same upon judge of second municipal court, Barron county								167			
married woman who is attorney of court of record not disqualified by coverture from acting as										84	
any woman being an attorney of court of record may act as	2133a									119	
same upon judge of third municipal court, Barron county								168			
same on municipal judge of Chippewa county								510			
same upon municipal judge of Langlade county										96	
same upon municipal judge of Polk county										69	
may punish for contempt, when	2434						360				
COURT EXPENSES:											
act to reduce											68
referees, when paid by county											68

COURT HOUSE:
to provide for a new in city of Waupaca ... 237
purchase of, by city of Waupaca, for city hall ... 90
city of Waupaca to aid in construction of a ... 103

COURT OREILLE RIVER:
Chippewa county; act for dam across, amended ... 27

COURTS — (See Circuit Courts, etc.):
for what purposes may sit on legal holidays ... 2576 194 ... 142 ... 69
licensing of attorneys to practice ... 2586[3] ... 144 ...
of record may be adjourned by clerk on telegram of judge ... 2573 ... 215 ...
in commitment of children to industrial schools, shall consider wishes of parents in selecting same ... 215

CRANBERRIES:
to regulate sale of, by measure ... 384 330
penalty for unlawfully severing from lands of another ... 63 86

CRANBERRY LANDS:
construction of drains and ditches by owners of ... 1472 ... 32

CRANBERRY VINES:
penalty for unlawfully severing, from lands of another ... 86

CRANDON:
town of, Forest county, boundaries defined ... 270
certain territory attached to, and from ... 132
school money in, how raised ... 283
territory added to ... 291

CRAWFORD, W. B. ET. AL:
dam across Vermillion river, Barron county ... 322

CRAWFORD COUNTY:
fishways in ... 296 147
board of supervisors of, to fix rates to be charged by Gilmartin for ferriage in ... 397
authorizing sale of swamp lands in ... 98
to provide for survey, etc., of swamp lands, and fixing minimum price of same ... 428

CREDIT:
penalty for obtaining, at hotel, etc., by false pretenses ... 251

CREDITORS:
to prevent debtors from giving preference to, and to secure equal distribution of property among ... 349
of insolvent debtors to be made parties to action for discharge of ... 395 88

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	18 2	18 3	1885.	1887.	1889.	1891.	1893.
CREDITORS—Continued:											
when suit may be brought by, to set aside fraudulent preferences and conveyances of insolvent debtor							293				
CRIMES AND PUNISHMENTS—(See Penalties):											
assault with intent to murder or rob	4376			79							
assault and robbery	4378								288		
of rape, female child under fourteen years	4382							193	368		
on any female of the age of twelve years or under	4381, 4382								368	350	
of any female of the age of twelve years or more										350	
same under the age of twelve years									368		
for abduction of unmarried women								214	420		
same for, of previous chaste character for purpose of prostitution									396		
for forcibly removing or enticing person under eighteen years for immoral or unlawful purpose	4387a							226			
blackmail, penalty	4380							243			
for conspiracy to intimidate another to do any act against his will								287			
for interference with persons employed at labor or with the use of machinery								427			
advising or attempting to commit felony	4385					330					
kidnapping, forcible confinement, etc	4387					257			219		
abuse of persons confined in industrial schools for girls	4389		205								
setting spring guns, etc	4394					20					
neglect to fence openings in ice	4395		267								
assault or use of abusive language; when punishable under municipal charter, general laws not applicable	4398				189						
sale or use of toy pistols					116						
sale to or use by minors, of pistols, etc						329					
intoxicated persons going armed with pistols, etc						329					
larceny from persons	4413					19					
larceny of property exceeding $20 in value	4415		67								
larceny of logs, etc	4440		205					278			48
larceny of standing timber				150					397		

bailee of chattels, etc., when guilty of	4415							278			
driving nails, etc., into logs	4451		94								
defrauding, by use of unlawful grain tester		174									
misapplication of moneys borrowed from trust funds of state				107							
attempt to escape and escape from house of correction in Milwaukee county	4490 4494		230								
perjury under act making copies of entries in bank books admissible in evidence				324							
tramps; punished for being, and offenses by		188			291	342		470			
indecent or abusive language, boisterous conduct and gambling on railroad trains			29								
felling trees and timber on telegraph wires without giving notice	4568			162							
mutilation, alteration and destruction of public records					296						
keeping policy shop						286					
violation of fish and game laws. (See Fish and Game).											100
fornication with female under age of fifteen	4580				73						180
enticing unmarried female under age of sixteen from parents, etc., for purpose of seduction, etc					282						307
making and selling imitation butter and cheese and adulterated honey, without same being so marked, etc				r40			361	185	344 424 455		
adulteration of drugs and medicines					167						
unlawful sale of poisons					167						
bringing dead body into town, city, etc., without certificate; transporting same; issuing false certificate as to death				168							
for suppression of houses of ill fame	4589a							92			
keeping, leasing premises for, or being an inmate of, or resorting to	4589							116	388		
for detaining any woman by force and against her will in								214	420 396		
carnally knowing idiot or imbecile woman								214	420		
inducing or knowingly suffering girl under twenty-one years to resort to								214	420		
for wilful and malicious destruction, or tampering with ballots								250	r248	379	
exposing others to contagious disease				168							
assumption of professional title by quacks				256							
abandonment of children by father					200			318	321		
same by husband or wife							422				
cruelty to minors; exhibiting and letting out for unlawful purposes, etc			229								
interference with children removed from cruel parents					110			353	200		
failure of town clerk to keep papers safe						114					
failure of lumber inspector, etc., in ninth district properly to mark logs scaled					214						
sale of liquor to spendthrifts	1556		312								
sale of liquor to minors	1557			174							
sale of cigars and cigarettes										434	
obstruction of navigable streams by banking or browing logs thereon				220							
violation of law relating to peddlers	1576		100						510	448	
violation of law by person other than officer serving process in justices' court	3608					261					
information may be filed against corporation without preliminary examination	4654			178							
trial of special issue on plea of insanity	4697					164					
punishment for justice of the peace buying claims	4509										100

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapter and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
CRIMES AND PUNISHMENTS—(See Penalties)—Continued:											
change of venue in criminal cases for prejudice of judge; when judge of adjoining circuit to hold court where action is pending	ch 190					218					
embezzlement; proceedings in prosecution for	4667		125								
depositions in criminal cases	4080			165							
certificate of conviction before justice, where filed	4765		31								
costs when fine is imposed	4033			72							
collection of statistics of pauperism and crime			271								
duty of magistrate on payment of fine in criminal case	4772						117				
for conveying encumbered real estate with intent to defraud								244			
terms of sentences of convicts									300		
sentences of persons formerly sentenced or imprisoned in state prison, house of correction or county jail may be increased	4738								141		
accused may be admitted to bail during pendency of preliminary examination	4745									225	
form of bail bond	4746									225	
infringing trade mark											14
larceny, act defining amended											104
violating fish and game law								278			48
same in Winnebago lake, etc											106
discharging drain or cesspool into Geneva lake											307
											120
											180
CROPS:											
statistics of, grown and growing, what to contain	1010								226		
growing exempt from taxes											184
CRUELTY:											
agents of humane society vested with police powers to punish			179							202	
magistrates, constables, etc., to aid in prevention and punishment of			179								
to children, prevention of			230								
to inmates of prisons, hospitals, etc., how punished	4589		264								
to parents or guardians, protection of children from					119			359	200		
to domestic animals, penalty	4415									358	

CUMBERLAND:												
city of, incorporated							140					
charter of, amended										98		
CUCUMBERS:												
green, legal weight of bushel of	1665			121								
CYCLONES:												
town insurance companies may insure property against damage by, wind storms and tornadoes, when	1912a							808				
DAIRYMEN'S ASSOCIATION:												
appropriation to			17	185	108	72	59	72	411	197		
transactions not exceeding 250 pages to be printed	339[2]		128			320	435		526			
DAIRY AND FOOD COMMISSIONER:												
governor to appoint; duties; salary; may appoint deputies; duties, etc.; report to governor									452			
to report biennially												109
DAIRY PRODUCTS:												
to prevent manufacture and sale of oleaginous substances or compounds in imitation of pure, and to repeal sections 1 and 3, chapter 40, laws of 1881							361	157 185 240	344 424 425 455			
same in sale and use of imitations of										105		
DAM OR DAMS:												
CONSTRUCTION OF, ECT., AUTHORIZED ACROSS												
Ahnapee river, Door county							70					
Aminicon river, Douglas county				311								
Apple river, Polk county							254 283	113				
Apple river, St. Croix county								135				
Apple river, (Rice Bed Stream) a fork of, Polk county								218				
Babb's creek, Sauk county					269							
Bear creek, Barron county		96										
Bear creek, dam across								329				
Beaver brook, Polk county									366			
Big Eau Pleine river, Marathon county		21			186							
Big Eau Pleine river, Marathon county								70				
Big Plover river, Portage county					107							
Big Plover river, Portage county							145					
Big Rib river, Marathon county			97					339				
Black river, Jackson county								438				
Black river, Taylor county			77									
Black river, Wood, Clark and Jackson counties			303			9						
Black river, Taylor county					277							
Black river, Clark county						†209	†68					111

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889	1891.	1893.
DAM OR DAMS—Continued.											
Construction of, etc., Authorized Across.											
Blake brook, Waupaca county					137						
Blake's lake, Polk county								178			
Bloomer rapids, Portage county					106						
Brunet river, Chippewa county					200						
Butternut creek, Price county			194		181						
Cauley creek, Clark county		127							179		
Chief river, Sawyer county									445		
Chippewa river, Eau Claire county				255		90				313	
Chippewa river, Chippewa county											
Christmas creek, Chippewa county			84								
Clam river, Burnett county								254			221 264
Clam river, Polk county		232									
Comet river, Shawano and Waupaca counties											203
Copper river, Lincoln county						170					
Court Oreille river, Chippewa county; amending act of 1878 for		27									
Cranberry creek, Wood county											265
Deer Brook							372				
Deer Tail river, Chippewa county		55									
Deer Tail river, Chippewa county			294								
Devil's Creek, Sawyer county								278			50
Duncan's creek, Chippewa county						118		262			
Dunnun creek, Burnett county						75					
Eau Claire river, north fork, Clark county								209			
Eau Claire river, Marathon county										242	
Eagle river, Oneida county								512	270		
Eagle river, Forest county								533			
Elder creek, Taylor county											194
Elk river, Price county			144	142							
Elm Creek, Sawyer county		28					104				
Embarrass river, Shawano county			49				236 255				
Embarrass river, Shawano county				57			281				

Embarrass river, Shawano county					75		262				
Embarrass river, Shawano county					316						
Embarrass river, Shawano county									449		
Embarrass river, Shawano county											207
Fisher creek, Chippewa county				177							
Fisher river, Chippewa county						347					
Flambeau river, Oneida county								449			
Flambeau river, Price county										140	
Fox river, Outagamie county									372		
Four Mile creek, Marathon county									77		
Hay creek, Chippewa county			296								
Hay creek, Clark county			171								
Hay creek, Burnett county				77							
Hay creek, Price county						108					
Hay Meadow creek, Lincoln county											123
Hay river, Barron county			75								
Hag river, Barron county					144						
Hemlock creek, Barron county			40								
Hemlock creek, Chippewa county			41				100				
Hemlock creek, Chippewa county			92								
Iron River, Bayfield county				327						222	
Jump river, Price county					228						
Kewaunee river, Kewaunee county				58		140					
Kickapoo river, Crawford county			7								
Kickapoo river, Crawford county			103								
Kickapoo river, Vernon county				67							
Lewis creek, Jackson county							371				
Little Bear creek, Barron county							236				
Little Bear creek, Oneida county									485		
Little Black river, Taylor county						289		377			
Little Chief river, Chippewa county	143										
Little Chief creek, Sawyer county									445		
Little Eau Pleine river, Marathon county	13										
Little Eau Pleine river, Marathon county						93					
Little Elk river, Price county			241								
Little Rice river, Oneida county											154
Little Somo river, Lincoln county									998		
Little Wolf river, Waupaca county	201									186 395	
Little Wolf river; amending act of 1867 for				188							
Little Wolf river, amending chapter 159, 1873, extending duration of franchise								226			
Little Wolf river, Waupaca county					297						
Little Yellow river, Wood county						88					
Long Lake, Bayfield county						224					
Long Lake river, Burnett county						222					
Marengo river, Bayfield county						335					
Miller creek, Barron county							231				
Milwaukee river, Milwaukee county							434				

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885	1887.	1889.	1891.	1893.
DAM OR DAMS—Continued:											
Construction of, etc., Authorized, Across:											
Mondeau creek, Taylor county		229									
Montreal river								68			
Montreal river, Ashland county								407			
Montreal river, West Branch, Ashland county										396	
Moose and St. Croix river, T. 45, R. 13									446		
same										111	
Muskrat river, Eau Claire county			178								
Namakagan river, Ashland county						11					
Namakagan river, Sawyer county							43				
Namakagan river, Washburn county							75	154			
Oak creek, Milwaukee county										170	
Oconomowoc river, Washington county										150	
Oconto river, Oconto county											100
Oconto river, Oconto county											191
O'Neill creek, Chippewa county						230					
O'Neill creek, Clark county		28									
Otter creek, Clark and Chippewa counties			177								
Pecor brook, Oconto county											129
Pelican river, Oneida county											169
Peshtigo river, Forest county								444 539			
Pigeon river, Waupaca county									23		
Pike lake, Hayfield county						224					
Pine creek, Chippewa county		144									
Pine creek, Price county			205								
Pine creek, Taylor county						130					
Pine river, Lincoln county				160							
Pine river, Forest county										220	
Pine river, Forest county										238	
Plover river, Marathon county				277			419				
Poplar river, Oconto county			214			182	307				
Popple creek, Price county			161								
Prairie river, Lincoln county											

Prairie river, Lincoln county			255									
Prairie river, Lincoln county							280		45	175		266
Red river, Shawano county									44			
Red river		136			78							
Red Cedar river, Burnett county			76									
Red Cedar river, Dunn county					103							
Red Cedar river, Barron county							3					
Red Cedar river, Dunn county							317	251				
Robinson creek, Jackson county					270							
Rock creek, Clarke county					224				215	478		
St. Croix river, Polk county										111		
St. Croix river, Douglas county						355						
St. German creek, Lincoln county							180					
Sand creek, Barron county												202
Sand river, Bayfield county				164								
Saylor creek, Chippewa county						65						
Scarboro creek, Kewaunee county							363			373		
Sheboygan river												
Shioc creek, Shawano county				221								
Silver creek, Taylor and Price counties				326					405			
Siscowit river, Bayfield county		53										
Skinner creek, Price county			63									
Soft Maple creek, Chippewa county			102									
Spirit river, Lincoln county			201									
Spirit river, Lincoln county					292					139		
Spirit river, Price county						259						
Spring brook, Langlade county										110		
Spring brook, Washburn county									83			
Spring brook, Langlade county								386				
Spruce river, Douglas county								434				
Squaw creek, Oneida county						21						
Squaw creek, Price county						337		108				
Squirrel river, town 39 north, range 5 east					86							
Straight river, Polk county								117				
Straight river, Polk county										104		
Sucker branch, Polk county, repealing act of 1878, for								223				
Tamarack creek, Oneida county								85				
Tamarack river, Burnett county												
Tatogatic river, Washburn county												
Tea river, Sawyer county		154										
Ten Mile creek, Chippewa county				163								
Thornapple river, Chippewa county, amending act of 1874, for												
Tomahawk river, Lincoln county								{ 41 { 346				
Tomahawk river, Oneida county									252			
Tomahawk river, Oneida county									480			
Totogaticanse river, Bayfield county					182							

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
DAM OR DAMS—Continued:											
Construction of, etc., Authorized, Across:											
Totogaticanse river, Douglas county					183						
Totogaticanse river, Bayfield county					184						
Totogaticanse river, Douglas county					185						
Totogaticanse river, Douglas county						344					
Trade river, Burnette county								177 418		148	
Turtle creek, Barron county			32								
Turtle creek, Barron county			33								
Vermillion river, Barron county			26								
Vermillion river, Barron county										321	
Wedge's creek, Clark county				161	89						
White river and tributaries, Bayfield county						224			704		
White river, Ashland county											99
Wiergor river, Chippewa county		71									
Willow river, Polk county		112									
Willow river, St. Croix county		147	208								
Willow river, Barron county, amending act of 1877, for					154						
Windfall creek, Chippewa county				331							
Wisconsin river, Columbia county										284	
Wisconsin river, Lincoln county			168								
Wisconsin river, Columbia and Sauk counties											118
Wisconsin river, near Sunken Pier											213
Wisconsin river, Lincoln county					247			12 253			143
Wisconsin river, Marathon county											188 96
Wisconsin river			97		204		158 278	29 118	32 58 88		
Wisconsin river, Oneida county										177	
Wisconsin river, Portage county									293 407		

Wisconsin river, Wood county									296		209
Wolf river, Shawano county		213							316		210
Wolf river, Chippewa, Clark and Eau Claire counties			182						235		
Wood river, Burnett county			25			402					
Wood river, Burnett county; repealing act of 1870, for				39							
Wood river, Burnett county				41							
Yellow river, Burnett and Washburn counties									49		
Yellow river, Wood county		90								142	
Yellow river, Barron county		187		95							
Yellow river, Barron county		155									
Yellow river, Taylor county		191		253							
Yellow river, Chippewa county				266							
Yellow river, Barron county						218					
Yellow river, Barron county								176			
Yellow river, Taylor county						326					
in Iowa and La Fayette counti s; owners, etc., to maintain fishways in			r248	r296	147						
owners, etc., in Crawford and Vernon counties of, to maintain fishways in				r296	147						
in La Fayette county; owners, etc., of, to maintain fishways in						126					
same in Dane county									511		
same in Brule river, in Douglas county										251	
in Wisconsin and Black rivers, or tributaries thereto; dimensions of slides and chutes in	1601 1602			239							
to repeal act of 1848, authorizing construction of a, on Crawfish river						317					
DAMAGES:											
to lands taken or overflowed by works of improvement of Fox and Wisconsin rivers; assessment of				330							
in actions to recover possession of logs or timber wrongfully cut; measure of	4269				230				95		
limiting amount of, which may be recovered from counties, towns, cities or villages for injuries received by reason of defective highways and sidewalks under section 1339, R. S						454					
penalty for, to levees								221			
owner of swine liable for, done by, to enclosed premises of adjoining owner	1390								278		
owner of or person in charge of steam engines on highways, liable for, when									509	207	
liability of railway company for, injuries to employes, when									498		
for injuries by fire or stock killed by locomotive, notice to be given											202
actions for, from defective highways, error in notice not material, when	1339										85
DANE COUNTY:											
amending acts of 1867 and 1875, for preservation of fish in		39									
for preservation of fish in						89	228		511		
municipal court of; salary of judge; how paid; costs and fees; salary of clerk	2523			27					463	366	
defendant in criminal cases may take change of venue from, how										366	
salary of clerk of										366	
in absense or disability of judge of, clerk may adjourn										366	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Charters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
DANE COUNTY—Continued:											
circuit commissioners in; four to be appointed	2433			10							
coroner of, to take inquests of dead	r4882			r147	100						
register in probate in, appointment of					32						
duties of, salary								393		78	
commissioners of public lands to ascertain amount due, from proceeds of sales of swamp lands									320		
relating to assembly districts in								490			
to provide for drainage and reclamation of certain lands in							412	525	383	9	
Dane County Agricultural Society, appropriation to								542			
joint school district in, boundaries changed							r412		r383		309
drainage commissioners, payment of expenses of											142
terms of circuit court in										6	
DANISH BROTHER ASSOCIATION:											
name of Scandinavian Brother Association changed to					20						
DANISH BROTHERHOOD OF UNITED STATES:											
exempt from laws relating to life insurance companies						94					
DARLINGTON:											
city charter amended								171	131		
town of, La Fayette county; extending time of payment of loan from trust funds to a certain school district in			5								
DAVENPORT, LEWIS:											
to vest title to certain real estate in city of Monroe, in						133					
DAVIDSON, PEYTON S.:											
may build wagon bridge across Black river in La Crosse county										309	
DAVISON, JAMES:											
appropriation to		210									

DAVIDSON, J. O.:
appropriation to 305

DAYS OF GRACE:
abolished on commercial paper 87, 216

DEAD:
removal of, from Sylvan Grove cemetery authorized 107

DEAF MUTES:
relating to instruction of, in incorporated cities and villages ..... 315 40 .....
when county judge and municipal judge may order children sent to state or private institutions ..... 331 .....
appropriation for 315 40 331 305

DEAF AND DUMB:
collection of statistics relating to ..... 1014 220 .....
when county or municipal judge may order children sent to state or private institution for care ..... 331 .....

DEAF AND DUMB INSTITUTE:
appropriation to ..... 133 47, 115, 116 285 4, 33 142 71 83 57 257 .....
rebuilding of portion of ..... 116 .....
abolishing board of trustees of ..... 208 .....
to be under control of state board of supervision ..... 208 .....
when county or municipal judge may order child sent to ..... 331 .....
name changed to Wisconsin school for deaf ..... 56 .....

DEATHS:
fees for certificates of ..... 287 .....
when certificates of, to be filed for registration by health officer ..... 1024 264 .....

DEBTORS:
prohibited from giving preference to creditors ..... 349 .....
discharge of insolvent, proceedings on ..... 385 83 .....

DEBTS—(See Claims):
limitation of lien of, upon real estate of deceased persons ..... 286 .....
relating to settlement of Watertown's railroad debt ..... r169 313 .....
when homestead of intestate liable for ..... 2280 113 .....

DECEASED PERSONS—(See Estate of Decedents):
when patents of land issued to, title to vest in heirs ..... 220 .....

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
DECEPTIVE ADVERTISEMENTS:											
by fire insurance companies	1946c				166						
DEEDS:											
how executed and acknowledged in foreign countries	2220	194									
executed by governor, of lands granted for military road; effect as evidence	4153		18								
indexing tax deeds				325						231	
on tax sale certificates, issuing of						104					
for taxes; fees for execution of, in Waupaca county						161					
form of sheriffs', on foreclosure by advertisement	2212							327			
what sufficient reference to record entry of								328			
certain defects in acknowledgment, etc., cured after twenty years' record									404	288	
form of conveyance by, of special guardian									345		
DEER, BUCK, DOE OR FAWN—(See Game Law):											
killing of, in state, when lawful			277			299	309	374	443	351	106
exportation of deer killed in state unlawful						299	309				
when may be taken in counties of Ashland, Bayfield and Douglas			114						367		
repealed									367		
in Door county; killing for shipment outside of county prohibited		40	198								
hunting of, with artificial light, unlawful			198					374			106
DEER BROOK:											
dam across							372				
DEER TAIL RIVER:											
Chippewa county, dam across		55									
Chippewa county, dam across			294								
DEFECTS:											
in conveyances of real estate cured after twenty years' record									404	288	
DEFECTIVE TITLES:											
organization of corporations for insuring or guaranteeing from loss by reason of	1771									274	

DEFENDANTS:
insurance companies, may be joined as, when liable for same loss 235

DEITER, BERNHARD:
authorized to build pier in Sturgeon Bay 31

DELEGLISE, F. A.:
appropriation to 199

DELINQUENT TAXES:
sale of lands for, when sale to be held 1130 214
notice to be published 1130 214 103
publication of, in Forest county 270

DELINQUENT TAX LIST:
penalties for unlawful publication of, and of list of unredeemed lands 150

DELL CREEK:
Sauk county, preservation of fish in 272 208 218
Sauk county, declaring portions of, navigable 87

DELTON CEMETERY ASSOCIATION:
to legalize election and acts of officers of 11

DENTISTRY:
to regulate practice of 129
governor to appoint State Board of Examiners 129
duties of board, sec. 3 129
registered dentists only to practice 129
registration of dentists, fees 129
penalty for violation of act 129 102

DE PERE:
village of, authorized to purchase, hold and lease certain real estate 156
amending act of 1864, authorizing village of, to purchase or lease a certain bridge across Fox river 157
repealing act authorizing construction of a bridge across Fox river at 332
city of incorporated 174
charter amended 92 53 444
may issue bonds for improvements 497

DEPOSITORIES:
cities may designate 259, 312

DEPOSITS:
of public funds of cities and counties 259
of city funds regulated 312

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws – Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
DEPOSITIONS:											
notaries public may take	175			20							
taking of, in criminal cases	4086			165							
of non-resident party to action may be taken in county where action pending									318		
DEPUTY CLERKS OF COURTS:											
how appointed											18
DEPUTY CORONER:											
providing for a, in counties of 150,000									78		
DEPUTY GAME WARDEN:											
powers and duties of									r414	436	
DEPUTY INSURANCE COMMISSIONER:											
to create position of						43					
DEPUTY RAILROAD COMMISSIONER:											
to create position of						43					
salary of									281		
DEPUTY SHERIFFS:											
in Milwaukee county, fixing salaries of					207						
DESCENT:											
of real property	2270a					219					
of intestates; application to determine; proceedings therein; record of judgment				280							
title by, evidence of, how established								102	227		28
who may apply for certificate									227		28
of adopted child	ch102				203						
of homestead, when widow elects not to take jointure or devise	2179				203						
when no widow or minor child of deceased owner is living	2271					301			227		28
evidence of title by											

DESERTION: punishment of parent for, of children, or husband, for of wife					204		422	318	321		
DE SOTO: ferry across Mississippi river at				201							
DE SOTO UNION SCHOOL DISTRICT: amending act of 1866, for incorporation of					20						
DETECTIVES: not allowed to be armed to protect property											103
DETLING, VAL., AND OTHERS: authorized to build free wagon bridge across Sheboygan river, Sheboygan county										55	
DETROIT HARBOR: pier in, Door county							357				
DEUTSCHE GEGENSEITIGE FARMER FEUER VERSICHERUNGS GESELLSCHAFT VON TOWN MISHICOTT, MANITOWOC COUNTY, WISCONSIN: actions of, legalized			169								
DEVIL'S CREEK: dam across, Sawyer county								273			50
DEVIL'S LAKE: Sauk county, better protection of fish in					111						
DEVISES: to charitable purposes, "Dodge" law repealed	2069							531		359	102
DEVITT, TERENCE: acts of, as justice of the peace, legalized						18					
DEVOE, AMOS: appropriation to						123					
DICTIONARIES: to provide for purchase of six hundred copies of Webster's unabridged; distribution of			23								
additional copies of, to be sold to legislators, officers, etc			23								
to provide for purchase of four hundred copies of Webster's unabridged				25							
state superintendent may sell to state institutions	509			195							
purchase of, by state superintendent	509				45						
DIERCKS, E. W., ET AL.: dam across Oconomowoc river, Washington county										153	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1881.	1881.	18 2	18 3	1885.	1887.	1889.	1891.	1893.
DIET:											
county board may prescribe the, of inmates of county jails										309	
DIFFERENCES:											
between state and any land grant railway companies in state, in relation to lands claimed as swamp lands, within limits of such railway grants; settlement of						215					
DIGEST:											
of Wisconsin Reports:											
to provide for purchase of two hundred and fifty copies of volume three of Simmon's		203									
same, of two hundred copies of new, of, from vol. 44 to 61 of Wis. Reports							438			261	
further act to purchase											70
to provide for purchase of two hundred copies of Shepard's						243					
DIPHTHERIA:											
prevention of											270
DIPLOMAS:											
of state university may be countersigned by state superintendent when endorsed by professor of science and art of teaching, effect								376			
further as to same, and normal school and college											110 150
DIRECT WAR TAX:											
how to be applied and distributed by state treasurer										458	
DIRECTORS:											
of consolidated railway corporations; classification of			27								
of Taylor's Orphan Asylum, Racine county; election of						73					
fire insurance companies may classify their								17			
of town insurance companies classified											70
DISBURSEMENT:											
of Public Money:			280								
heads of institutions to make statement showing money in possession			280								

duty of secretary of state			280								
diversion of funds unlawful			280								
unauthorized contracting of debts prohibited			280								
penalty for violation			280								
DISCHARGE:											
OF INSOLVENTS:											
application for, of, who have made voluntary assignments, form of; how had; proceedings of									385	88	
publication of contents of order requiring creditors to show cause	4286				313						
when cause to be heard	4288				313						
OF MORTGAGES—(See Chattels):											
liability of mortgagee for failure to execute	2256					100					
from industrial schools, regulated					175						
DISCONTINUING HIGHWAY:											
proceedings for	1267, 1270, 1271, 1272, 1274								266		
DISCOUNT AND DEPOSIT COMPANIES:											
who may carry on business of								392			
DISEASES—(See Infectious and Contagious; Food):											
to prevent spread of contagious, infectious and pestilential				168							
misdemeanor to bring body of diseased person unless accompanied by certificate				168							
transportation companies not to receive or transport dead body				168							
penalty for issuing false certificate				168							
misdemeanor of persons affected to wilfully and knowingly expose others				168							
duty of district attorney				168							
physicians to report to board of health in case of certain											270
DISPUTED WRITING:											
evidence, comparison with other writings permitted				226							
DISTRIBUTION:											
of blue books	121	141	123		14			284	421	333	
of final report of geological survey			301								
of revised statutes	356	45									
of supreme court reports	357					248					
of public documents to libraries containing 1,000 volumes	351		118								
DISTRICT ATTORNEY—(See Penalties):											
duties of	752			188				456			
in prosecution for sale of intoxicating liquor	4769						201				
when law partner of, may assist in criminal prosecutions	4504						223				
to prosecute offender for violation of this act (sale of trout)							471				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
DISTRICT ATTORNEY—(See Penalties)—Continued:											
circuit judges may appoint council to assist, when								234			
to prosecute offenders for violation of health law						167		291			
providing for an assistant, in counties having over 100,000 population								183			94
to make statement for not filing information, effect of, when approved by judge	4653								257		
to co-operate with fish and game wardens to enforce fish and game laws										430	
to have copy of annotated statutes										205	
of Dunn county, duties of defined as to fishways											300
DISTRICT CLERK—(See School Districts):											
report of, as to schools	462				72	208			155 370		
DITCH:											
for cranberry, meadow and logging purposes; D. A. & C. A. Goodyear to build						271					
DITCHES—(See Drains):											
act to protect											37
DIVIDENDS:											
of corporations, when may be declared on stock	1705										59
DIVISION OF TOWNS:											
by county board	671	190		73	11 226	267			r464	406	
petition of freeholders and vote not required to change boundary lines, and repeal of chapter 267, laws of 1883	671								r464	40	
into election districts	27			r107	250						
DIVORCE:											
insanity for a certain length of time made a cause for; proceedings in actions	2356			r21.7	230						
on judgment of, wife may assume former name									280		
DOCK:											
in Sturgeon Bay, Door county					64					90	128 139
in Green Bay, Barron county											116

DOCK AND WARF LINES:
when county board may establish and discontinue .. 670 807 97, 816

DODGE COUNTY:
detached from third judicial circuit and made part of the thirteenth 2428 87
terms of county court in 2461 18 41 448 85
register in probate for, county judge to appoint; duties; salary 17 337
practice under civil jurisdiction of county court of
to remedy evils consequent upon the destruction by fire of public records; recording of conveyances 216
effect of such record as evidence 216
duty of register of deeds, his fees 216
penalty for refusal to record 216
when original deed lost, grantee may compel execution of new deed; proceeding therefor 216
publication of act 216
construction of terms in act 216
preservation of fish in 47
to provide for opening or enlargment of Beaver Dam, or Crawfish river, in application, how made, etc 528 439
to discontinue certain state road extending into, and Sheboygan 54

"DODGE LAW:"
act restricting devises and bequests to charitable uses repealed 102

DODGEVILLE, TOWN OF:
school district No. 1 in, authorized to borrow money from trust funds 8
city of, incorporated 216 891

DOGS:
tax on, repealed r 1623, 1624, 1625 57
villages may license 892[12] 185
beasts and birds made subjects of larceny, penalty 523
penalty for fighting, etc., duty of officer 347
cruelty to; penalty 358
when owner or keeper of vicious dogs liable for acts of 218

DOMESTIC ANIMALS:
to prevent spread of infectious and contagious disease among 467 76
duty of state veterinarian respecting 467 76
owners of, to receive indemnity for, slaughtered, under provisions of this chapter 467 76
when not allowed 467 76
dogs, beasts and birds subjects of larceny 523
cruelty to, penalty 4445 358

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
DOMESTIC, FEMALE OR MANUAL LABOR:											
certain property not exempt from attachment or execution on claims for servants' wages, subdivisions 5, 6, 11, 13, 14, 15, 17 and 19	2982							536			
DOORS:											
in churches, public and private school-houses, hotels, factories and other manufacturing establishments to swing outwards							190				
DOOR COUNTY:											
detached from tenth circuit and made part of fourteenth	2423					288					
killing of deer in, for shipment outside of county unlawful		40	198								
hunting deer in, with artificial light, prohibited			198								
terms of circuit court in	2424						169	82		355	
state road in, from Ahnapee, tax may be levied in towns of Forestville and Clay Banks to defray expense of								550			
DOUGLAS COUNTY:											
to compromise litigation concerning its outstanding bonds, and use a portion of same to aid in construction of a railroad		44									
spawning or closed season for Brule river in										138	
dam across Spruce river in, may be built										110	
school districts in, territory constituting									470		
when wild deer may be taken in			r114						307		
repealed									307		
exception from provisions of chapter 321, laws of 1880, for protection of brook trout				280			r471		369		
repealed									369		
aid may be given to D. R. W. & S. Ry., by towns in, how									223		
Northern Pacific Railroad Company enabled to perfect title to certain lands in						150					
creating municipal court for, powers, duties, etc								r497	181		112
repeal of above, and new act enacted for same purpose									181	61	
lien for supplies, on logs, etc., in									413		
terms of circuit court in										2	
superior court for, established											83 301

DOUGLAS, MARK:
to improve Soft Maple creek 55

DOUGLAS MILL POND AND CREEK:
preservation of fish in 302

DOVRE TOWN OF:
acts of Barron county board creating, legalized 77

DOWER:
of insane wife; release of, how made 2225 194 365

DOWNER COLLEGE:
name of Wisconsin Female college changed to 6
may incorporate and receive gifts, etc. 294

DRAINAGE AND RECLAMATION:
of certain lands in Racine and Waukesha counties, providing for 109 329 294
same in Dane county 412 525 383 9
same in Dodge county, opening and enlarging Beaver Dam or Crawfish river, for purpose of 528 439
to enable private land owners benefited by, improvements in Manitowoc and Calumet counties to raise necessary aid 480

DRAINAGE COMMISSIONERS:
justice may compel attendance of, to lay out drains; vacancies on, how filled ... 1362 200

DRAINAGE DISTRICTS:
providing for, in townships and construction of drains, etc 401

DRAINAGE FUND:
distribution of, to counties, when made 254 264
appropriation from, to town of Caledonia, Columbia county, on sale of indemnity lands, etc 121

DRAINING:
of swamp lands and lead and coal mines 283
and reclamation of lands in Dane county 412 525 383 9

DRAINS:
re-assessment of benefits in construction of, where original assessment void 187
duty of supervisors, in re-assessment 187
appeal may be taken 187
collection of amount re-assessed 187
justice may compel attendance of commissioners to lay out; vacancies, how filled. 1362 299
when gates or bulkheads to be erected in 1363 118
when partly in town and partly in city, how laid 1365 205 133
how protected 87

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
DRAINS—Continued.											
Appeals from supervisors, how regulated	1824										208
application may be made by six or more freeholders in either town, when joint application cannot be obtained	1805							230			
to apply to any two adjoining towns								390			
when person desiring to construct, through land of another and is unable to agree with owner, he may file application with town clerk								495		432	
application for and proceedings thereunder								495		432	
for what purposes may be constructed by owners of cranberry lands	1472					82					
how laid and constructed	1359						60				
providing for construction, maintenance and repair of										401	
into Geneva Lake, forbidden											189
into Menominee river, forbidden											254
system for that river											255
DRAINAGE AND SEWERAGE—(See Drains):											
in cities, villages and towns, connection with public sewers, how made											
of lands in Calumet and Marathon counties									250		253
DRAINAGE CORPORATIONS:											
may condemn lands											245
DRAW-BRIDGE:											
between city and town; how attended and maintained					180						
when trains may cross without coming to full stop	1808								370		
DRAWING ROOM CAR COMPANIES:											
to pay license fee						353	415				
DREUTZER, GUSS A.:											
to build a pier in Green Bay, Door county			101								
DRUGGISTS' MUTUAL INSURANCE CORPORATIONS:											
may be formed, powers, obligations, etc., of									594		

DRUGS:
to prevent adulteration and fraud in..... 248
term "drug" defined..... 248
analysis of—(See Analyst.)
proprietars of drug stores responsible for quality of; penalty for adulturation... 167

DRUNKARDS:
inebriates and habitual, may be imprisoned or confined in asylum, when..... 194

DRUNKENNESS:
penalty prescribed by section 1561, revised statutes 1878, when city or village has ordinance for punishment of..... 456

DUCHON AND KROPF:
city of Milwaukee authorized to pay claim of..... 400

DULUTH, RED WING AND SOUTHERN RAILWAY:
may build bridge across Mississipi river near Red Wing..... 208
aid to, may be granted by certain towns, etc..... 223

DUNCAN'S CREEK:
Chippewa county, dam across..... 113 263

DUNMUN CREEK:
Burnett county, dam across..... 75

DUNN COUNTY:
terms of circuit court in..... 135 326
register of probate of, duties, etc..... 220
may construct for, a wagon bridge over Chippewa river..... 322
creating municipal court for, powers, jurisdiction, etc..... 763 136
authorized to borrow from trust funds to build asylum..... 1314 353
fishways in dams in..... 448
duties of district attorney of, as to fishways defined..... 803

DURAND:
town of, authorized to borrow money to aid in construction of bridge across Chippewa river..... 231
city of, incorporated..... 252
extending time for holding first charter election..... 225
charter amended..... 309 401

DURAND, HARVEY:
constituted fish warden for certain lakes and counties in the state..... 297

DWELLING:
claims for labor about, of another, certain property not exempt from attachment on claims for, subdivisions 5, 6, 11, 13, 14, 15, 17, 19..... 2982 536

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
DYNAMITE: not to be used in killing fish											307
EAGLE RIVER: town of, created							229				
dam across, Oneida county								512	270		
dam across, Forest county								532			
EARNINGS: exemption of	2962										93
EASTERN MONROE COUNTY AGRICULTURAL SOCIETY: appropriation to			120								
EASTON: town of, Adams county, authorized to aid in construction of bridge across Wisconsin river						186					
EAST TROY: relating to annual school meeting in district number 4, town of						64					
EAU CLAIRE:											
city charter of, amended		57	181 263	87		149	6 328		69 184	481	
justices appointed to fill vacancy to possess all powers of municipal judge and receive same fee for services			16								
Chippewa Valley and Superior Railway Co. to build a bridge across Chippewa river at					74						
Chippewa Valley and Superior Railway Co. to build a bridge across Chippewa river at					129						
authorizing justices of peace elected in city of, to have offices in any part of city						60					
city of, to build a bridge across Chippewa river						99					
city of, to construct waterworks						149					
may issue bonds to purchase waterworks, etc										399	

to issue bonds to pay its indebtedness ... 151
relating to street railways in, and legalizing acts of mayor and council respecting ... 69

EAU CLAIRE COUNTY:
fees of clerk of circuit court of, for services as clerk of county court of ... 124
repealed ... 199
terms of circuit court in ... 135 ... 47, 326 ... 2, 277
relating to fees of clerk of county court of ... 199
authorizing appointment of four court commissioners for ... 506
authorized to construct a free wagon bridge across Chippewa river between towns of Brunswick and Union in ... 313

EAU CLAIRE HIGH SCHOOL:
appropriation to ... 14

EAU CLAIRE LIGHT GUARD ARMORY CO.:
may borrow from trust funds ... 177

EAU CLAIRE LUMBER COMPANY:
charter of, amended ... 22

EAU CLAIRE RIVER:
excepted from provisions of act for enforcing liens on logs ... 222
dam across north fork, Clark county ... 200
bridge across, S. St. M. & S. W. Railway to build ... 205
dam across, Marathon county ... 242

EAU CLAIRE WESLEYAN SEMINARY:
official act of board of trustees of, legalized ... 16
charter of, amended ... 23

EAU GALLE RIVER:
bridge across, in Pierce, Peppin and Dunn counties ... 20

EDGERTON:
city of, incorporated ... 86
city charter of, amended ... 176 ... 78 ... 132

EDUCATION—(See Compulsory Education):

EDWARDS, JAMES:
appropriation to ... 30

EGAN, MICHAEL J.:
appropriation to ... 306

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
EGG HARBOR:											
Door county, pier in		41									
EGGS—(See Game Law):											
of birds, penalty for destroying											106
EIGHTH JUDICIAL CIRCUIT:											
every general term in, special for whole				202							
terms of court in							135		250	326	
what actions may be tried at special terms in									122		
boundaries of, changed										47	
EJECTMENT:											
Relating to, Actions in:											
proceedings on recovery by reason of defendant's defective tax title; when such recovery not to be had	3087		305								
proceedings in, where party to action acquires title and right to possession during pendency of action	3074						252				
judgment, how entered	3074						252				
when defendant entitled to condemnation, facts must be set up in answer, when to be had, costs	3078								277		
defendants in, rights of as to improvements, protected in											289
ELDRED, JOHN E.:											
appropriation to		64	80	54							
ELECTION:											
of widow to take dower, when to be made	2172										75
ELECTION BOOTHS:											
to be erected by proper officers in each city or town in counties of 150,000 population for purpose of holding election primaries										r470 379	
to be provided, by proper authority											888

ELECTION DISTRICTS:
how constituted ... 879 288
to be divided when ... 44, 288

ELECTION PRIMARIES:
to regulate, control and govern the, of counties over 150,000 population ... r139 249
new law on same subject ... 249

ELECTION RETURNS:
statement and poll list, etc., to be delivered by inspectors to county clerk (amending chapter 360, laws 1887) ... 308

ELECTION TICKETS (See Ballots):
providing for uniformity of, in cities of 150,000 or more, size of, etc ... r475
to prevent peddling of, on election day in cities of 150,000 or over ... r178

ELECTIONS—(See Electors, Ballots, Inspectors):
laws as to registration, preparing and casting of ballots revised and consolidated ... 879 288
to prevent espionage at public ... r248, r494 879 288
relating to manner of conducting ... 879 288
opening and closing of polls at, in cities of over 5,000 population ... 404
submission of amendment to constitution for biennial, general ... 200 288
fixing time of general ... 14
time of holding, in cities and villages incorporated under general laws, how changed ... 89 178
polls of, in towns for town officers and judges to close at same time ... 407
duties of inspectors of (Sec. 18) in board of registration ... 464 870 288
of supervisors in counties containing not less than 100,000 inhabitants ... r53 288
relating to term of office of ... 165j
relating to, and the counting and preservation of ballots ... 464
notices of, how given by secretary of state ... 17 827 288
general provisions relating to conducting, in cities of 50,000 inhabitants or more ... 45a, 45b, 45c 350 21
relating to manner of conducting, at general ... 490 879 288
appointment of inspectors, clerks and ballot clerks at; powers and duties ... 25 446
clerk or inspector not to write on, alter or change ticket, etc ... 490 879 288
not to be held in saloons or rooms adjoining; penalty ... 219 288
assemblymen and senators under new apportionment ... 461
notice of, how given by county clerk ... 18 827 879 288
to facilitate, in certain cases: division of towns into election districts ... 27 r107 259 416
fixing place for holding ... 27 r107 259 416
number of votes to entitle to ... 27 r107 259 288
authorizing towns to hold, in cities and villages ... 162

Subject Matter of Law	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ELECTIONS—(See Electors, Ballots, Inspectors)—Continued:											
opening and closing of polls at general	29			244							288
of officers by town boards of school directors in towns having township system of school government	528					63					
opening and closing of polls at town	796			232	259						
appointment of inspectors and registry of electors in cities of over 25,000 inhabitants		235									288
in proceedings by mandamus against boards of canvassers, supreme court may go behind returns	2452		231								
officers to be elected at annual village charter elections	875						374		16	269	
of assemblymen and senators at next general, in November, 1894										482	
authorizing the town of Beloit to hold its, in the city of Beloit				59							
of ward officers in 9th and 10th wards, city of Chippewa Falls								508			
in city of Grand Rapids, to change time of holding charter						7					
to legalize a special election held in the town of Lincoln, Trempealeau county						22					
town of Menasha authorized to hold its, in the city of Neenah					66						
town of Neenah authorized to hold its, in the city of Neenah				12							
in city of Neenah electors in 2d ward may vote in first										297	
of aldermen in city of Ripon						106		100			
of directors of Taylor Orphan Asylum, Racine county						78					
relating to contest of							404				
relating to recount of ballots cast								250			
fees of person delivering returns of, to county clerk	44							†300	306		
defective ballots, duty of inspectors									507		288
statement (returns of), poll list, etc., to be delivered county clerk by inspectors									506		288
to regulate the appointment of inspectors of, and the registration of electors in cities of over 20,000 inhabitants							†389	16	†02		288
relating to canvass and return of votes at, on constitutional amendment relating to supreme court									29		
to fill vacancies in elective, village, ward or city office	976a								84		
repeal of act (ch. 367, P. and L., 1871) authorizing town of Grand Rapids to hold in, and keep office in city									126		
sample official ballot for general judicial and municipal										379	288
of school officers, to be by ballot											288

ELECTORS—(See voters.)—(See inspectors of election.)											
how to prepare ballot									948 494	879	288
not to deposit ballot unless indorsed									248	879	288
penalty for violating									248	879	288
registry of, charter election in city Milwaukee		7288	786	95							
in cities of over 25,000 inhabitants		235									
in towns containing villages of 1,500 inhabitants	80[a]		234								288
non-registered electors, how may vote	24		315				464				288
to be registered at annual municipal and judicial elections									490		288
questions to be asked on challenge of	36 88								507		288
submission of amendment to constitution relating to qualifications and registry of					272						
qualifications of	13					89					
in villages and cities incorporated under general laws, when may vote at town meetings						178					
of town of Janesville to hold elections in city of			85								
registration of, in cities of over 20,000 inhabitants							389	16			
same in, of over 50,000, authorizing boards of registry to hold meetings in new wards, etc								39			
vote of, in cities having less than 3,000 or more than 20,000, not to be received unless registered								543			
sec. to apply to Chippewa county									199		
registry of, required in Florence county								182			
of president and vice president to meet second Monday in January	95								1		
ELECTRIC LIGHT:											
relating to lighting of capitol with, negotiations and experiments authorized; report to be made		243		110			145				
city of Racine may operate									101		
ELECTRIC LIGHT COMPANIES:											
to provide suitable insulation, return wires, etc., to guard against injury to persons and property									375		
injunction granted on neglect									375		
how to execute mortgages											72
ELECTRIC POWER COMPANIES:											
street railway companies may purchase stock of, when	1775									234	
ELEVENTH JUDICIAL CIRCUIT:											
fixing terms of court in		181			90			511	51	2	
boundaries of changed								488			
may hold court on legal holidays except July 4th										877	
ELKHART LAKE:											
Sheboygan county, preservation of fish in			137								

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Charters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ELKHORN: village of, legalizing action of school district number one in obtaining loan for building school house								326			
ELK RIVER: Price county, dam across			144	142							
relating to log driving on				142							
ELLINGTON: town of, Outagamie county, to build a bridge across Wolf river				321							
ELM CREEK: dam across, Sawyer county							104				
ELM STREET: vacating part of, in West Bend										167	
ELMORE, ANDREW E.: appropriation to									116		
ELROY: city of, incorporated							162				
charter amended							224	75 172			
authorized to borrow money to extend system of water works and issue bonds therefor										87	
EMBARRASS RIVER: Shawano county, dam across			49				235				
					36		255				
Shawano county, dam across				57	316		281 289		449		207

EMBELLISHMENT OF CEMETERIES:											
towns, cities and villages may hold funds in trust for				112							
EMBEZZLEMENT:											
proceedings in prosecutions for	4667		126								
EMERALD:											
town of Glenwood created out of							98				
EMINENT DOMAIN—(See Condemnation Proceedings):											
lis pendens to be filed in proceedings for acquiring land by exercise of right of	3187						426				
how exercised in cities for streets, etc											312
spur tracks and branch roads, how taken											188
EMPLOYES—(See Wages; Liens):											
of legislature; appropriations for pay of extra		85	20	14	5	179	126	7 501	14 109	385 475	1
increasing per diem of certain assembly									500	385	
appropriation for stationery and stamps for		118	44	39	237						
list of	111a	194			314		94 408	7 348 501	522	385	
salaries	112				314	346			522	385 475	
entitled to lien for services	3315						312	536	333	321	
of lumbering or building companies entitled to negotiable paper for deferred payment of wages										430	
to prevent employers blacklisting								349			
in factories, etc., not more than laws of health will permit to be put to work in any room in								549			
liability of railway companies for injuries to									r438		220
EMPLOYMENT:											
of women and children in factories	1728					135					
relating to, in factories								549			
of children									519	4	
ENCROACHMENTS:											
trial or denial of	1332									360	
proceedings before jury	1333									360	
removal of, and penalty	1334									360	
costs, who liable for; how collected	1335									360	
appeal from determination of jury, how taken and tried	1336					81					
removal of, from highways										154	
ENCUMBRANCE:											
penalty for failure to give notice of, on sale of real estate								344			

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883	1885.	1887.	1889	1891.	1893.
ENSILAGE:											
experiments in, authorized				211							
ENTICEMENT:											
of unmarried females of age of sixteen or under from parents, etc., for seduction, etc					282						
EQUALIZATION OF ASSESSMENTS:											
city, village or town may apply for commissioners to review action of county board			291		212				201		
notice of application			291								
appointment and duties of commissioners; their oath and compensation			291								
EQUIPMENT COMPANIES:											
organized under laws of Wisconsin; powers of						277					
may have principal place of business out of state if attorney be appointed upon whom process may be served						277					
ERICKSON, JES, AND OTHERS:											
to build boom			21								
ERRORS:											
in state assessment; correction of				259							
ESTATE OF DECEDENTS—(See Executors and Administrators):											
claim for liquor sold deceased at retail, not to be allowed	2841								502		
sale of real estate			65								
surviving partners to file inventory; penalty for refusal				60							
fees upon settlement of, in Milwaukee county	2483		101	152					176		
costs in circuit and county courts on probate of wills, how paid				227				193			
claims against, not to be lien upon real estate after three years				266							
descent of real property. (See Descent)											
heirs of, may apply to county court for certificate setting up fact of title to real estate, evidence of								193	227		
property rights of state in certain, conferred on Osthelders									210		

relating to payments by executors and administrators of, to county treasurer in counties of 150,000 in lieu of fees									176		
ESTATES:											
of leasehold, when to determine, etc											77
EUREKA, TOWN OF:											
authorized to borrow portion of trust funds to aid in building railroad, condition of loan							143				
EVANS AND McKINLEY:											
town of Flambeau authorized to issue bonds to pay judgment against it in favor of					231						
EVANSVILLE SEMINARY:											
charter of, amended			133				122				
repealing section 4, of chapter 133, laws 1880, and restoring section 11, (ch. 272, P. and L. 1870), of charter									72		
EVIDENCE:											
annotated statutes of Wisconsin to be									222		
certified copy of record of land department to be received as		20					177				
of title by descent, how established								192	227		
transcribed records of Forest county to be *prima facie*, when								380			
certificate that record is lost to be presumptive		20					177				
patents and deeds executed by governor of lands granted for military roads; effect as	4153		18								
when and how depositions may be taken in criminal cases	4086			165							
of handwriting by comparison				226							
verified copies from bank books, when received as				324							
form of certificate of secretary of state, as to transfer of lands	4167				123						
when persons refuse to give, where liquor was obtained he may be committed	1556								447		
when corporation is party, officers may be examined and their depositions taken at instance of adverse party	4096				194						
rule of, relative of sale and future delivery of personal property						81					
affidavit of party to accompany notice when examination taken before issue joined setting forth points on which discovery is desired	4096						321		348		141
non-residents party to action, deposition of, may be taken in county where action pending									318		
when statement of tax sales by county trearurer, record in office of, or certificate of sale shall be *prima facie*, of regularity of tax proceedings, in action when title is vested in county under ch. 132, laws 1866							319				
where by law, articles of organization or by-laws of corporation any notice is required to be given, posted or served, he affidavit of person making service annexed to copy of notice to be presumptive evidence in all cases when filed with clerk or secretary of corporation							350				
of physician or surgeon without requiring proof [illegible] corporation or college from which he graduated	1436							131			

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapter and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
EVIDENCE—Continued.											
of veterinary surgeons not to be admitted unless registered								347			
verified copies of entries from books of insurance corporation, etc., when									478		
transcripts of, by phonographic reporter	2439									115	
EVERGREEN CITY GUARD ARMORY CO.:											
loan of trust fund to, etc											157
EXAMINATION—of teachers; (See Teachers):											
of bridges by experts, under direction of railroad commissioner	1797			224							
of assignor and others in voluntary assignment						240			385		
of attorneys							63				
of dentists							129			310	
of adverse party before issue joined, notice of taking same to be accompanied by affidavit of party, agent or attorney; stating nature and object of action and points upon which discovery is desired	4096						331				141
in criminal proceeding; accused may be admitted to bail during pendency of	4745									427	
form of bail, bond on same	4746									285	
EXCISE—(See Intoxicating Liquors):											
amount of license fee regulated by population	1548										236
EXECUTION:											
personal property exempt from	2982[8]	63			117						
when debtor's wife may claim and maintain action for and have appraisement of	2982									427	
against principal and surety in replevin, or on appeal from justice	2969	194									
for costs in criminal proceedings before justice, when may issue against complaint or his surety	4760		66								
tools, implements, stock in trade, etc., exempt from	2982[8]			56							
of $400 for payment of wages of laborers, etc	2982[11]						336				
judgment of creditor not required to issue more than one, during life of judgment to entitle him to remedy supplementary to	3080									408	
on logs, how levied									378		
									418		
not to issue until costs taxed and inserted in judgment										155	

EXECUTIVE CLERK:
appointment; salary ..... 129 ..... 257 .....

EXECUTIVE COMMITTEE:
of school board of directors of town of Polar, Langlade county; acts of legalized:
of school board of directors of town of Antigo, Langlade county, acts of legalized ..... 57 .....

EXECUTIVE RESIDENCE:
to provide for purchase of, and making appropriation therefor ..... 324 .....

EXECUTORS AND ADMINISTRATORS:
sale of land by, what petition for license to contain ..... 3875 ..... 65 .....
hearing on petition ..... 3876 ..... 842 .....
notice of, to be published ..... 3877 ..... 842 .....
guardians for unknown heirs or owners ..... 3884 ..... 65 .....
tort action (except slander and libel) may be brought by and by ..... 3552 ..... 368 .....
relating to granting letters to public administrators by county court ..... 3819 ..... 320 70 .....
or trustees, may organize corporation under sec. 1771, R. S., to carry out provisions or direction of will ..... 1771 ..... 180 .....
certain amounts to be paid by, in lieu of fees, to county treasurer in counties of 150,000 ..... 176 .....
may plat lands for sale ..... 112 .....
appointment of, when made on application of one having cause of action 2

EXECUTRIX OR ADMINISTRATRIX:
married women may act as ..... 3992 ..... 68 .....

EXEMPTION:
FROM TAXATION.
of lands of North Wisconsin Railway Company for ten years ..... 22 .....
of armories ..... 162 .....
endowment funds, etc., of library association ..... 1038[3] ..... 465 .....
of property of corporations formed for care of insane, etc ..... 171 .....
of property of corporations for manufacture of zinc ..... 203 .....
of property of Milwaukee Industrial Exposition ..... 160 .....
of property of turner societies ..... 309 .....
of real estate of Trinity Hospital association, Milwaukee; proviso ..... 1038 ..... 429 .....
of stock and securities of mutual loan and building corporations ..... 2014 ..... 93 .....
gifts and bequests to cemetery associations ..... 388 .....
land of military organizations ..... 1038[19] ..... 376 .....
$300 worth of household furniture, in addition to kitchen furniture ..... 1038[11] 303 361 182
and growing crops 3982 182
cable or electric railroad, not ..... 1038[14] ..... 285 .....
public art galleries, when ..... 1038[19] ..... 319 .....
of wide-tired wagons 151

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
EXEMPTION—Continued.											
From Execution:											
of personal property	2982[6]	63			117						93
of tools, implements, stock in trade, etc	2982[6]			52							
when debtor's wife may claim and maintain action for	2982									427	
of earnings for three months					317	141					
$500 exempt to married persons having no homestead	2983				r317[2]	141					
from paying fees of town insurance companies	1972	102									
from subpœna; when superintendents of insane hospitals not to be exempt	588				151						
from jury service	2625					270					40
of $400 for payment of wages of laborers or servants for services rendered defendant	2982[11]						336				93
certain named in subdivisions 5, 6, 11, 13, 14, 15, 17 and 19, not exempt for servant's wages in and about dwelling	2982							526			
EXEMPT PROPERTY—(See Exemption):											
appraisement of, when seized on execution						60				427	
when claimed by assignor in voluntary assignment, need not be specified								441			
of earnings											93
EXPERIMENT STATION—(See Agricultural Experiment Station, University of Wisconsin):											
EXPENSE:											
of transporting and return of children to and from state public school, counties to pay									207		
EXPLOSIVES:											
to prevent manufacture, sale or transportation of							342				
intended for criminal destruction of life or property							342				
penalty for same							342				
agents or persons aiding also liable							342				
use of, in killing fish forbidden											807

EXPORTATION:											
of game; penalty for, repealed; re-enacted	456s		r179			207		374	448		
of fish and game forbidden											106 307
EXPRESS COMPANIES:											
forbidden to transport fish and game in certain seasons											106 307
EXTINCT SECTION AND QUARTER SECTION CORNERS:											
relating to re-establishing							347				
EXTRA EMPLOYES:											
of legislature, appropriations for pay of		85	20	14	5	179	126	7 348 501	14 109 500		1
number prescribed, etc											1
FACTORIES:											
to regulate employment of women and children in; penalty	1728					135		549		109	
fire escapes to be used on	4575a						50				
to be so constructed that doors swing outwards							190				
duty of inspector of							247	453 549			
vats or other structures in, used for molten metals or hot liquids, and all belting, shafting, elevators, etc., to be guarded								549			
children under 13 not to be employed in, except on permit									r519	4	
children under 14 not to be employed in, except on permit										109	
FACTORY INSPECTOR:											
created							247				
commissioner of bureau of labor statistics to appoint, and deputy							247	453			
duties of							247	453			
must enforce act preventing child labor										109	
may regulate manner of operating manufacturing establishments, where steam is used										226	
to prevent accidents to operatives										226	
appropriation for office rent, etc								453			
FAIR GROUNDS:											
to secure suitable highways to					168						
to prevent gambling and sale of liquors on							477 399	181			
wrongfully entering and wilfully destroying property; penalty								44			
exemption from taxation, of grounds used for	1038										110
FAMILY PROTECTIVE ASSOCIATION OF MILWAUKEE:											
name changed to Family Protective Association of Wisconsin						304					
relating to government of								203			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
FARMERS' MUTUAL FIRE INSURANCE COMPANY OF UNION:											
legalizing acts of, Rock county									422		
FARMINGTON, TOWN OF:											
authorized to borrow portion of trust funds to aid in building railroad, conditions of loan							143				
and Watertown to construct bridge across Rock river									65		
FARM PRODUCTS:											
legal weight per bushel of certain	1605			121							
statistics of, what to contain	1010								226		
FARRAND, A. W.:											
appropriation to		198									
FEDERAL LIFE ASSOCIATION:											
exempted from provisions of general insurance law								42			
FEEBLE-MINDED:											
corporations for care and treatment of	ch 86					171					
FEES—(See Insurance Companies; Corporations; Jurors):											
License Fees:											
arrearages of railroad, how settled		25									
railroad company building certain line across northern Wisconsin exempted from paying for ten years			309								
payment of, by St. Cloud, Grantsburg and Ashland Railroad company		197									
of fire, inland navigation and transportation insurance companies	1219	138									
of telegraph companies	†1216				320						
of telephone companies						345	337			166	
of short local telegraph companies, chapter 345, 1883, made to apply							239				
of palace, drawing-room and sleeping car companies						353	415				
for sale of intoxicating liquors	1548				329		293				
of peddlers, who required to pay	1570			100	218		303		510	443	
exemption of licensees of state from municipal license	1589	184									

of boom and dam companies, to be paid											
for filing articles of association and amendments thereto	1772					241	853				
for filing satisfaction of chattel mortgage								480			
town insurance companies exempt from paying, to commissioner of insurance	1072	102									
in county courts of Dodge, Fond du Lac and Winnebago counties on demand for jury trial	2478		86								
upon settlement of estates and in guardianship matters in Milwaukee county	2183		262	152					176		
what, may be recovered from county in criminal proceedings when defendant escapes pursuit	680		117								
statement of, in criminal proceedings, filed with county clerk, to be *prima facie* evidence	680		117								
of person delivering election returns to county clerk	44							860	308		
of clerks of circuit and county courts on appeal from justices' courts in Milwaukee county						108					
providing for, of clerks of circuit courts	748 3754 3763 4300							166			
for entry and discharge of judgment against insolvent									365	83	
for docketing judgments of U. S. courts									146		
of court commissioners									302		
relating to, of clerk of Eau Claire county court								109			
of constables	844			145							
of county clerk for keeping abstracts of tax sales in Waupaca county						161					
of county clerk and treasurer on sales for taxes	1196			153							
of county judge in other than probate matters			313						496		
of justices of the peace	3774		174								
of jurors in justice courts	3775									106	
of lumber inspector in fourth district for filing claims for liens, etc	3331		192								
of register of deeds in Outagamie county				200							
in counties exceeding 150,000 population										374	295
for registering marriages, etc., by whom paid	764			278							
for making statement of births, deaths, etc	1026								342		
of state treasury agent	1582								457		
for recording lists of lands taken for streets, etc				319							
of sheriff, for assisting clerk of circuit court in drawing jury	731		174								
for drawing inventory on several writs of attachment	731		175								
for service for county, when salary may be fixed				53							
for attending municipal, police of justice's court with prisoner	731				176						
for removing persons to insane asylum	604							187			
for making sale on partition of personal property								189			
of officers, justices, etc., under act for suppression of vagabondage		188			291			470			
for certificates of births, deaths, etc					287						
of witnesses and interpreters	4037						232				
of auctioneers	*ch.* 68						291	334			
none required of corporation organized exclusively for benevolent, charitable or reformatory purposes							353				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
FEES—(See Insurance Companies; Corporations; Jurors:)—Continued.											
License Fees.											
of county surveyors	772	.....	.....	.....	.....	.....	.....	34	.....	.....	.....
owners berore receiving patents on certain swamp and overflowed lands, to the usual	.....	.....	.....	.....	.....	.....	.....	.....	.....	378	.....
for license to sell liquor, how fixed	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	286
transfer of to school fund in Outagamie county	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	181
FELLOWS, R. R.:											
appropriation to	.....	.....	213	.....	.....	.....	.....	.....	.....	.....	.....
FELONIES—(See Crimes and Punishments:)											
punishment for attempts to commit	4385	.....	.....	.....	.....	330	.....	.....	.....	.....	.....
FEMALES—(See Abduction, Crimes and Punishment):											
may be notaries public	173	194	.....	.....	.....	.....	.....	.....	.....	.....	.....
fornication with, under age of fifteen	.....	.....	.....	.....	73	.....	.....	.....	.....	.....	.....
seduction of unmarried, under age of sixteen	.....	.....	.....	.....	282	.....	.....	.....	.....	.....	.....
rape of, of twelve years of age or more	4381	.....	.....	.....	.....	.....	.....	.....	.....	350	.....
if common prostitute, penalty	4381	.....	.....	.....	.....	.....	.....	.....	.....	350	.....
FENCES:											
what fences to be legal	1300	.....	107 158	110	201	.....	.....	.....	278	.....	.....
owner of swine liable for damages to adjoining owner,	.....	.....	.....	.....	.....	.....	.....	.....	278	.....	.....
railroad fences, what to be legal	1810	.....	107	.....	.....	.....	.....	.....	.....	.....	.....
Pine River Valley and Stevens Point Railroad need not maintain	.....	158	.....	.....	.....	.....	.....	.....	.....	.....	.....
of barbed wire, how made	1810	.....	.....	103	.....	.....	.....	.....	.....	.....	.....
partition fences; when to be built and maintained	1891 1892	.....	133	.....	.....	.....	.....	.....	.....	.....	.....
duties of fence viewers	1402	.....	.....	.....	.....	.....	.....	.....	.....	.....	155
when damage for trespass not recoverable	1891	.....	307	.....	.....	.....	.....	.....	.....	.....	.....
built on land of another, before boundary established, how removed to boundary line	ch. 55	.....	.....	.....	.....	902	.....	.....	.....	.....	.....
obstructions by, in highways forbidden	1857	.....	.....	.....	.....	.....	.....	.....	.....	.....	153

FERRY:
across St. Croix river, extending time for maintaining a certain 68
across St. Croix river, Polk county 139
across Lake Pepin, town of Stockholm may maintain 408
across Mississippi river, relating to a certain 190
across Mississippi river at Cassville, Grant county 293
across Mississippi river, city of Winona, to establish and maintain 311
across St. Croix river at Osceola Mills 330
across St. Croix river, extending time for maintaining a certain 43
across Mississippi river, at village of Alma, Buffalo county 241
across Mississippi river in Buffalo county 32
across Mississippi river, at village of De Soto 201
across Mississippi river, between Prairie du Chien and McGregor 307
across Lake St. Croix, at Hudson 174
across Lake St. Croix, at Hudson 275
across Lake St. Croix, at Hudson 207
across Lake St. Croix, at Hudson 108
across Wisconsin river, at Sterling 30
across Wisconsin river in Dunn county, to be free 49

FETZER, A., AND A. K. YOUNG:
to legalize acts of, building dam, across Ahnapee river 70

FETZER, JOHN:
appropriation to for expense of senatorial seat contest 347

FIELDING, JAMES:
appropriation to 513

FIFTH JUDICIAL CIRCUIT:
excepted from provisions of act relating to special terms of, filing of decisions and trials in vacation 140 169
terms of courts in 402
terms in Iowa county 508

FIFTEENTH JUDICIAL CIRCUIT:
created 488
terms of court in 488 111 18 164

FILZ, JOS.:
appropriation to 204

FINANCES:
statement of, to be published in alternate fiscal years 320 526

FINES—(See Penalties):
when imposed, defendant to pay costs incurred by county at his request 4633 72

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
FINES—(See Penalties)—Continued.											
to provide for the more efficient collection of, belonging to the state							42				
how divided among wardens for violation of game laws									414		307
how paid into county treasury	4772										146
FIRE:											
to protect life and property from destruction by							375				
to prohibit setting of fires or burning of logs and brush in towns; penalty; town board to make an order against								343			
claim for damages caused by locomotive to be made before suit											202
FIRE-ARMS											
toy pistols; sale or use of prohibited					110						
sale to or use by minors of pistols, etc, prohibited						320					
intoxicated persons not to go armed with						320					
FIRE DEPARTMENT:											
of city of Watertown; members exempt from certain duties			161								
of city of Oshkosh, to provide for disposing of funds of						50					
duty to be paid to treasurers of towns, cities and villages for support of, by fire insurance companies	1926						308	486	242		
of city of Milwaukee, relating to								336			
disabled members of, in cities of over 100,000 population may be granted pensions										287	
FIRE-ESCAPES:											
factories, work shops or structures three or more stories high, in which several persons are employed above third floor, shall keep ready for use	4575a						50				
penalty for failure to provide and keep							50				
hotels or inns to have							375		304		
boarding houses and tenement buildings									304		
penalty for failure							375	40	304		
FIRE INSURANCE COMPANIES—(See Insurance companies):											
local, may be organized in cities, and villages, manner of organization of								305	211	296	
uniform policy of, to be made and issued by; penalty for neglect										195	

legalizing acts of Rockland Mutual of Manitowoc county 884
manner of proving loss to 124
claims due to insolvent, mutual, how collected 293
money to be paid by, to local fire companies 1920 369 147
religious corporations may form 74

FIREMEN'S RELIEF ASSOCIATIONS:
organization of 1927 168 328
838
increasing amount of property which may be held by .....

FIREMEN'S ASSOCIATION, WISCONSIN STATE:
appropriation for 58

FIRST BAPTIST CHURCH AND SOCIETY OF LINCOLN:
legalizing acts of, and changing name of First Baptist Church and Society of Whitehall to be recorded 79

FIRST JUDICIAL CIRCUIT:
to provide for terms of court in 2424 82 66

FISCAL TERM:
biennial 330

FISHER, HENRY P.:
acts of, as deputy city clerk of city of Milwaukee, legalized 51

FISH:
in public waters declared public property 307

FISH AND GAME - (See Fish Commissioners, Fishways, Fish Wardens, Game Wardens, State Fish and Game Wardens, Penalties):
relating to the preservation of, and birds and to repeal parts of chap. 520, L. of 1887, chap. 414, L. of 1889 and chap. 457, L. of 1887 436
general act relating to fishing in inland waters 307
fishing in Lakes Michigan, Superior and Green Bay regulated 309
fishing in Lake Winnebago and tributary waters regulated 308
private ponds for propagating - protection of 486 130
relating to the preservation of various kinds of game, penalties for violation 374 443 460
for the better preservation of game of various kinds; penalty 351
protection of fish in inland waters of state 375 486
when may be caught and taken 345 486
where spear may be used 375 486
game in Racine county 538
fish commissioners authorized to furnish spawn or fry to private parties 1923 160
preservation of fish in Walworth county 45
in Waukesha county 49 454

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
FISH AND GAME—Continued:											
in Pewaukee Lake, Waukesha county							179				
spawning beds; penalty for disturbing	4560			218							
bullheads; may be speared, etc	4560				285						
protection of small pike and bass									371		
wall-eyed pike and bass; when taken unlawfully; penalty				46				r412	371		307
brook trout; protection of; when taken unlawfully; penalty, procedure	r670[a] r4561		321	289	115		471	375	369		307
acts not to apply to Ashland, Bayfield and Douglas counties				r289					369		
penalty for use of unlawful nets		192						375	4?6		307
minnows may be caught for bait but not shipment									405		
penalty for having in possession or selling young white fish or lake trout		192						520			
pound nets not to be set in Lake Superior									453		
duties of sheriffs, constables, etc., penalty for neglect of duty		192									
preservation of fish in Ashland, Bayfield and Douglas counties; ch. 70, laws 1875, repealed			321								
spawning season, Brule river, Douglas county										138	
preservation of fish in Washington county										343	
preservation of fish in Waukesha and Racine counties										454	
in Baraboo river; chapter 367, laws 1887, repealed			224								
in Bass channel, Brown county					43						
trout in Brown county					67						
in Calumet county		228									
in Dane county		39				89	228				
in Dell creek, Sauk county			272			208	213				
in Devil's Lake, Sauk county					111						
in Douglass mill pond and creek, Jackson county									302		
in Elkhart Lake, Sheboygan county			137								
in Green Lake district				316	225				304		
in Green Lake county				120						458	
in Lake Ellen, Sheboygan county										211	
preservation of fish in Trout run, Jackson county										213	
preservation of fish in Rock Lake, Jefferson county										214	
for killing quail in certain counties											

...ounds and Butte des Morts ... Winnebago, Poygan, Winne-											
in Wolf river, protection of								412	398		106 130
in Lake Koshkonong; chapter 351, private and local laws of 1865, and chapter 171, laws of 1874, repealed				285							
in Lake Winnebago, and adjacent waters and tributary streams		182			297			412	398		
repeal of above and for protection of fish in waters of Wolf and Fox rivers, and Lakes Winnebago, Poygan, Winneconne and Butte des Morts						417			398		
lower Fox river, from dam at De Pere to mouth excepted			135								
in Long Lake, Round Lake and Mud Lake, Fond du Lac and Sheboygan counties		166		122		63	407	375	e486		
trout in Marathon county								r412	371		
in lakes, bayous, etc., of Mississippi river					88						
in Fox river, between Green Bay and dam at De Pere							44				
in Monroe county		33									
Pierce, Pepin and St. Croix counties				117							
in Polk county											
trout in Osceolo creek, Polk county									339		
trout in Sauk county				122							
game in Racine county								528			
when and where certain kinds of game may be taken	4564		277	312				374	443	203	
penalty for exportation of certain kinds of game	4565		r170			207		374	443	203	
entire fine for unlawful taking of certain kinds of game to be paid to county treasurer	4565		r170			207					
deer; killing of; when lawful; exportation prohibited; penalty						209	309	374	443	203	106
in Ashland, Bayfield and Douglas counties			r114						367		
repealed									207		
in Door county; killing for shipment outside of county prohibited		40	198								
hunting with artificial light unlawful		40	198					374	443		
wild fowl; penalty for killing from ambush in open water, etc	4565		r170			207	251	374	443		
eggs not to be destroyed								374	443		
squirrels, when may be taken, hare and rabbits, how hunted									443		
wild pigeons, penalty for killing within three miles of nesting place	4565					328		374	443		
chapter 200, laws of 1878, for preservation of, in St. Croix county, repealed							40				
guns, boats and decoys of persons guilty of offenses under this chapter to be forfeited to state	4565						351	374	443		
repealing chapter 97, laws 1877							392				
prohibiting fishing with nets in the inland lakes and streams of this state							414	375	486		
not to apply to Lake Koshkonong							414				
protection of, in Lake Superior, Lake Michigan or Green Bay							455	520		223	
fishermen fishing in, to mix eggs and milt of trout or whitefish and cast into water									482		
Sturgeon Bay subject to provisions of this act							455	520			
governor to appoint three fish wardens for							455	530			
one-half of fines to be paid to warden, when								r453	291		
duty of person fishing in said waters during October and November							455	5 0	482		
waters of Lake Superior, Lake Michigan and Green Bay divided into districts							455	5.0		223	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
FISH AND GAME—Continued:											
same relating to protection of game, governor to appoint wardens, their powers and duties								456	414		
fur bearing animals not to be taken								374			
sale or barter of brook trout prohibited							471	375	369		
not to extend to counties of Ashland, Bayfield, Douglas, Polk, Pierce or Burnett							r471		369		
above repealed									369		
protection of, in certain inland rivers											307
FISH COMMISSIONERS—(See Commissioners of Fisheries):											
to furnish spawn and fry to private parties		r23			160						
appropriations to		15	64	38	49	52	24	9	9	207	186
may take fish from waters at all times								375			
to notify owners of dams in Rock river to construct fishways therein, when										345	
to direct prosecution in Dunn county for failure to maintain fishways											306
appropriation to, for purchase of fish car											180
to be furnished room in Capitol	1496										76
FISHER CREEK:											
Chippewa county; dam across				177							
FISHER RIVER:											
Chippewa county; dam across						347					
FISHER, J. Jr.:											
appropriation to											198
FISHERMEN:											
duty of, fishing in great lakes to mix eggs and milt of trout and whitefish and cast into water									482		
FISH WARDEN:											
abolished; governor to appoint a state fish and game warden		r192	r277							436	
for counties of Ashland, Bayfield and Douglas		*a*									

for Green Lake district				r316	r[illegible]						
for counties of Fond du Lac, Winnebago, Calumet, Outagamie, Brown, Waushara, Green Lake and Marquette						r297					
FISH WARDENS—(See Game Wardens):											
abolished; governor to appoint a state fish and game warden										436	237
governor to appoint							r455	r520			
duties of, prescribed							r455	r520			
salary and allowances to											
one-half of fine collected to be paid to, when									r453	436	237
appropriation for compensation of							r455	r520			
secretary of state to furnish forms for								r520			
to make report to secretary of state								r520			
as to game wardens, their powers and duties									r414 r453	436	
FISHWAYS:											
in outlet of Big Green Lake, Green Lake county		145		316	225						
in dams on Catfish river, Dane county									511		
in dams in Dunn county										448	
duty of district attorney respecting											306
in dams in Fox river									477		
in Iowa and La Fayette counties			r248	r96	147						
in dams in Trempealeau river, in Trempealeau and Jackson counties										451	
in Crawford and Vernon counties				r296	147						
in town of Lodi, Columbia county				r306	47						
in La Fayette county						126					
in dams on Willow river								415			
in dams in Rock river										345	
in dams in Brule river, Douglas county										251	
fishing near prohibited											307
FITCHBURG:											
Dane county, joint school district in boundaries changed											309
FLAGS:											
of the United States, may be purchased by school boards									272		
preservation of, battle, etc., sec. 39											292
FLAMBEAU:											
town of, Chippewa county, authorized to levy a special tax to pay off certain bonds			42								
authorized to issue bonds to pay judgment against in favor of McKinley and Evans					231						
FLAMBEAU RIVER:											
dam across, Oneida county								449			
dams across, Price county										140	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
BOATS:											
relating to				252							
when owners of logs, timber, etc., drifted on shore may remove the same upon paying damages, etc	1600			252							
damages in passing over other lands	1600			252							
proceedings if owner shall not remove; lien of land owner	1600			252							
proceedings on refusal of land owner to accept tender of damages; bonds; expiration of lien	ch 70			252							
action on the bond to recover damages; costs when plaintiff does not recover more than tender	ch 70			252							
commissioners to appraise damages; appointment and duties	ch 70			252							
payment of costs on proceedings	ch 70			252							
FLORENCE COUNTY:											
created	5				165						
terms of circuit court in	2423					288					
registration laws made applicable	20, 21, 22, 23, 24							182			
relating to amount due, for sale of swamp land in, under ch. 90, laws 1885								492			
may issue bonds and borrow money to build bridge across Menomonee river									489		
FLOWAGE OF LAND:											
by corporations for improving streams and driving logs; proceedings for condemnation					318						
FOND DU LAC:											
city charter of, amended		36, 240	12, 27	148	31	152	209	123	435	25	
city of, authorized to refund or retire its bonded indebtedness					126						
city of, authorized to borrow money to build and equip a school house										25	

FOND DU LAC COUNTY:
preservation of fish in 185
relating to practice under civil jurisdiction of county court of 17 47
terms of county court in 2509 18
appointment of fish warden for 297
appointment of register in probate in 357
terms of circuit court in 63 5
change of venue from county court of, when to circuit 261

FOOD—(See Butter and Cheese. See Vinegar):
to prevent adulteration and fraud in, term "drug" defined 248
to prevent adulteration of: (See Analyst) 252 105
relating to adulteration of; imitation butter to be marked oleomargarine or butterine on firkin, etc 140 361 165 264
adulterated honey to be so marked 40
imitation cheese to be so marked 40 361 424 264
penalties; one-half the fine to go to informant 40 264
notice of fact of sale or use of olio-butter, butterine or imitation butter or cheese to be posted in place where articles are for sale or consumption 185 165
Dairy and Food commissioner, relating to 452 109
penalty for slaughtering diseased animals, and sale and transportation of putrid, unwholesome meat for 431

FORCIBLE ENTRY AND UNLAWFUL DETAINER:
to what court appeals from justice may be taken 3868 191
procee lings to remove tenants, etc., holding over ..... 3868[2] 326
when statute relating to not to apply 77

FORECLOSURE OF MORTGAGES:
order of sale, after judgment, when installments are not paid 3159 194
by advertisement, who may make affidavit of sale 3536 267
form of sheriff's deed on 2212 327
of chattel, relating to 294
judgment on, what interest to draw 3164 186 308

FORECLOSURE OF TAX CERTIFICATES:
right of redemption by married women and widows 1181 194

FOREIGN BUILDING AND LOAN ASSOCIATIONS:
when may do business, deposits required, to file articles, appoint secretary of state attorney on whom process may be served, penalties 525 469

FOREIGN CORPORATIONS—(See corporations):
not to acquire, own or hold more than 350 acres of land in this state 479
assessment of property of 1040 473

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
FOREIGN LIFE AND ACCIDENT INSURANCE CORPORATIONS:											
when license to, revoked	1947						101				
FOREIGN RAILROADS:											
extension of lines into this state, obligations								894			
FOREIGN SURETY COMPANIES:											
may be admitted to do business in this state subject to conditions and privileges conferred on fire insurance companies							443				
summons, how served upon							443				
may be accepted as surety on bonds, when							449				
certificate of solvency of, by insurance commissioner made equivalent to justification required							449				
FORESTVILLE—TOWN OF:											
town of Ahnapee and, to build bridge across Ahnapee river								143			
FOREST COUNTY:											
created out of Lincoln, Langlade and Oconto counties							436				
relating to amount due, for sale of swamp lands under chapter 90, laws 1885								422			
made part of tenth judicial circuit, section 11							436				
terms of circuit court								224	296	89, 132	
changing boundaries of towns in								270		89	4
and relating to taxation in								270	505	89	
increasing amount which, may raise for county purposes									505	89	
transcribed records of, to be *prima facie* evidence								330			
legalizing action of supervisors of, creating town of Gagen in								527			
providing for settlement between Langlade, and Oconto counties								597			
territory of Oneida county added to											273
FOREST HOME CEMETERY:											
in city of Milwaukee; not to be sold or transferred		252									
FORFEITED MORTGAGED LANDS:											
redemption from sales	r277	188									

payment of surplus on sale to mortgagor ... r277 158

FORM:
of sheriff's deed on foreclosure of mortgage by advertisement ... 2219 ... 327
of notice by publication on garnishee defendant ... 2718 ... 405
of statement required of clerks, to file with county clerks, of items of assessment ... 1066 ... 419
of ballots under this act ... 879

FORNICATION:
penalty for, with female under age of fifteen ... 4580 ... 73

FORT ATKINSON:
city charter of, amended ... 97 ... 128 / 378 ... 114 ... 63

FORT HOWARD:
city charter of, amended ... 215 ... 59 ... 487 ... 420

FOSTER, WILLIAM:
appropriation to ... 513

FOSTER, D. J.:
legalizing acts of, as justice of the peace ... 126

FOUNTAIN CITY:
incorporated ... 26

FOUR MILE CREEK:
Freeman and Fellows' Lumber Co., authorized to improve, Marathon county ... 77

FOURTEENTH JUDICIAL CIRCUIT:
created ... 2483 ... 288
terms of court in ... 2424 ... 288 ... 169 ... 82 ... 355

FOURTH CONGRESSIONAL DISTRICT:
to establish a state normal school in ... 299

FOURTH JUDICIAL CIRCUIT:
county of Calumet detached from ... 2423 ... 37 ... 140
terms of court in ... 2424 ... 63

FOX RIVER:
and adjacent waters, protection of fish in ... 182 ... 297 ... 417 ... 412 ... 368
lower Fox excepted ... 417
amending act of 1864, for a certain bridge across ... 117 ... 332
to protect valley of, from overflow ... 128
commission appointed ... 138
appropriation ... 138
letting of contract for construction of levee ... 138

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
FOX RIVER Continued:											
commissioners to have free access to lands					188						
acquiring lands by right of eminent domain					188						
compensation of commissioners					188						
assessment of damages to lands taken or overflowed by works of improvement of											
protection of wall-eyed pike in				320							
dam across, Outagamie county, Rogers, et al. to build								p112	371		
fishways in dams in, to be constructed; penalty									372		
									477		
FOXES:											
county boards may allow bounties for killing	6704		110								
state bounties for killing				p 5)	80						
FRANCHISES:											
applicant for, to publish notice, when											148
FRAUD:											
in life insurance companies, act to prevent											282
FRAUDULENT CONVEYANCES:											
right and interest of creditors	ch. 80				170		202				
FRAUDULENT STATEMENTS:											
publication of by insurance companies, unlawful	1946c		126		166						
revocation of license for	1946c				166						
FREDONIA:											
town of, Ozaukee county, authorized to raise a special tax to build a bridge across Milwaukee river				100	129						
FREE HIGH SCHOOLS:											
established and having reported under chapter 323, laws of 1875, and chapter 249, laws of 1887, relief of		26									
where may be established when vote not required	490	245									
officers of	492	245									

reports of, in cities	493	245									
qualifications of principal	494	245		146						445	
admission to	494	245		146						445	
apportionment of state aid to	496	245				273	420		466	332	
extension of time for obtaining state aid					r22	r302	420				
apportionment of aid to, after expiration of right						r302	420				
limitation of aid						r302	420				
duties of state superintendent relative to course of study and examination of teachers in						325	242				
may appoint person to assist in organizing—compensation, duties									426		
blanks for report of, how furnished						325	242				
state superintendent to fix amount to be paid to, at Brodhead, Baraboo, Eau Claire and Marinette, for 1882						14					
at Boscobel, to receive certain sum for 1880				210							
at Stoughton, to receive certain sum for 1880				304							
graduates of, to have certificate of standing, effect of, or diploma when countersigned by county superintendent							311				
to encourage establishment of, in towns having no graded schools							352				
FREE LIBRARIES:											
cities, villages and towns may establish											173
at Beaver Dam, name changed to Williams											42
FREE MASONS, ODD FELLOWS, ETC.:											
declared not to be life insurance companies		204				94				477	
Grand Army of the Republic, Herman's Sons, Sons of Temperance, State Grange, Patrons of Husbandry, National Grange, Woman's Christian Temperance Union, relating to organization of, election of trustees	2002					55	19	204 208			
FREE PUBLIC LIBRARY—(See Public Library): (Free Library):											
FREE WILL BAPTISTS—(See Wisconsin Yearly Meeting of Free Will Baptists):											
FREMONT:											
town of, Waupaca county; special town meeting of, legalized					85						
village of, Waupaca county, authorized to build a bridge across Wolf river						324		307			
to have draw or swing, etc								307			
FROGS—(See Railroads):											
railroads to erect or maintain blocks or guards at, in railroad tracks									123		
FROST, GEORGE L.:											
appropriation to pay expenses incurred in sickness and burial of		196									
FUNERALS:											
appropriation for, expense of, of F. W. Horn and D. W. Mahoney											24

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
FURLONG, JOHN:											
to build a pier in Washington Harbor, Door county		42									
to build a pier in Lake Michigan						193					
FURNITURE—(See Conditional Sales; Exemption).											
FUTURES:											
dealing in, when valid						81					
FYLER, DE WITT C.:											
appropriation to		74									
GAGEN:											
town of, Langlade county, boundaries of, defined				7							
town of, Forest county, boundaries changed								270		132	
legalizing action of supervisors, creating								527			
school moneys in, how raised											283
territory detached from, to Crandon											291
GALESVILLE UNIVERSITY.											
charter of, amended					112						
La Crosse Presbytery to appoint two-thirds of the trustees							23				
GALLAGHER, E.:											
appropriation to		193									
GAMBLING:											
appropriations not to be made to societies permitting, at agricultural fairs							303	181			
same as to county agricultural societies	1403						437	531	234		
GAME—(See Fish and Game):											
act for preservation of											100
GAME WARDENS—(See State Fish and Game Warden):											
governor to appoint, powers and duties of, salary								456	414	436	237

to distribute game-laws								456				
GARBAGE:												
relating to disposal of, and other refuse matter in city of Milwaukee											472	
GARNISHEE—(See Garnishment):												
to pay indebtedness to clerk at time of serving answer when answer shows present indebtedness to defendant	2762						314					
clerk to give receipt to, for same	2762						314					
moneys paid into court by, how disposed of	2762						314					
where answer shows indebtedness to become due, to pay same to clerk when due	2762						314					
answer of, failing to set up exemption of property does not make, liable	3723							190				
where answer of, discloses property is subject to other proceedings, justice must grant stay	3723a							228				
where answer of, discloses property, is not exempt, but same is claimed by third parties	3723b							228				
GARNISHMENT:												
affidavit for	2753			86			286					
liability of garnishee	2768			86								
service of process on principal defendant			253									
costs of garnishee when property exempt					317	141						
pendency of, proceedings not a bar to supplementary proceedings	2030									408		
when names of several members of partnership are unknown, proceedings may be in firm name						249						
affidavit may be amended						249						184
affidavit in justices' court amendable												194
discharge of proceedings when complaint not filed	2753r					249						
garnishee and his witnesses to be examined	3721			313								
trial, when to be had	3722			313								
proceedings in justices' courts when garnishee adjudged liable; costs	3725		207									
in justices' courts; judgment against garnishee failing to deliver property to pay money; proceeding for contempt; appeal	3726					24						
how and when may be released by defendant	2771						178			220		
when garnishee to pay indebtedness to clerk	2762						314					
how service may be made on non-resident defendant	3718							405				
form of notice								495				
assignment of claims to non-residents or sending out of state forbidden, when												57
oppressive, forbidden												57
in justices court, how made	3721 3728 3729											73
GAS:												
powers of corporations organized for manufacture of	1760	211										
manufacture of for heating, etc					208							
GAS LIGHT COMPANIES:												
may sell residual products												105

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883	1885.	1887.	1889	1891.	1893.
GASOLINE: may be sold for manufacture of gas	4359	189									
GEILFUSS, A. B.: certain city order in favor of, in city of Milwaukee, to be signed.						144					
GENERAL ELECTIONS—(See Elections):											
GENEVA LAKE: discharge of filth or sewerage into, prohibited											189
GENEVA UNION SCHOOL DIST. NO. 1: acts to legalized and loan authorized											9
GEOLOGICAL SURVEY: members of legislature entitled to extra copies of report		79			315						
compensation of geologists		79			315						
distribution of final report of			301								
GEORGETOWN: to legalize action, creating			74								
GERMAN AND ENGLISH ACADEMY: in city of Milwaukee, charter of amended			61								
GETTYSBURG BATTLEFIELD MEMORIAL ASSOCIATION: appropriation to								48			
GIBSON, WILLIAM H.: acts of, as justice of the peace legalized			188								
GILBERT, W. C.: appropriation to								84			

GIFTS:
to cemetery associations, how invested 22
to Downer college authorized 294
Dodge law, as to repealed 108

GILLETT:
town of, in Oconto county, territory detached from 6

GILMARTIN, R.:
authorized to keep and maintain ferry across Mississippi river between Prairie du Chien and McGregor 397
county board of Crawford county to fix rates 397
to execute bond to board of supervisors for faithful compliance with requirements of this act 397

GLENWOOD:
town of, St. Croix county, created 98
chargeable with half the indebtedness of town of Emerald 98

GLENZ, ADOLPH:
appropriation to 367

GOMAL, WILLIAM:
appropriation to 504

GOOD ORDER:
promotion of; good conduct of convicts 238

GOODS, WARES AND MERCHANDISE:
to prevent fraud in sale of, and provide for license of trader in 443

GOODYEAR, D. A. AND C. A.:
authorized to construct ditch, etc 271

GORDON, TOWN OF:
certain territory of, attached to Nebagamain 112

GOSS, B. F.:
appropriation to 244

GOVERNOR:
to approve of sworn account for Sanborn and Berryman's annotated statutes furnished hereunder 205
may approve plans for and location of monuments in capitol park 285
contingent fund appropriation 17 11 28 34 35 379 100 253 52
authorized to negotiate with electric light companies to light capitol, etc., to report same to legislature 115 116 145
authorized to improve Wisconsin Rifle Range; appropriation 324

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
GOVERNOR—Continued:											
to issue patents for incorporating cities, what to specify, section 5									326		
to execute and deliver patents of lands earned by the West Wisconsin Railway company to Chicago, St. Paul & Minneapolis Railway					186						
may fill offices by appointment, when					507						
to issue patents on land earned by Chicago, St. Paul & Minneapolis Railway to said company						10					
member of Board of Auditors, New Orleans exhibit appropriation							13				
to appoint clerk of circuit court, Sawyer county							38				
when to apply for patents on certain swamp and overflowed lands											
to appoint commissioner of labor statistics							319	247		378	
state treasury agent to make annual report to									172		
trustees of Wisconsin Veterans' Home to report to										803	
to ascertain amount due Bentley & Nowlan for constructing wing on capitol									495		
to appoint State Board of Pharmacy					107						
to appoint State Board of Supervision of Wisconsin Charitable, Reformatory and Penal Institutions				208							
to appoint trustees of Milwaukee County Insane Asylum								514	330		
may order printing of second edition of roster								540			
authorized to execute patents of land to railroads or corporations in certain cases								441			
contracts, etc., in connection with completion of Science Hall subject to approval of; may appoint a superintendent and assistant								600			
to have statue of Pere Marquette placed in old hall of representatives								544			
claims of state against past state treasurers may be settled on approval of										410	
to appoint Board of World's Fair managers; treasurer of, to execute bond to										433	
to appoint a state fish and game warden, powers, duties and salary of										436	
to issue new patent to Chicago & Northwestern Railway Company with correct description of land granted for depot grounds at Northern Hospital							68				
to appoint inspector Lumber District No. 15							112				
to appoint inspector Lumber District No. 16									387		
to assign apartments to Academy of Science, Arts and Letters, in capitol building							111				
to appoint State Board of Dental Examiners							120				
to appoint State Agent for Pensions							141				
authorized to contract for lighting capitol building and grounds with electric lights							145				

to decide matters of dispute relating to use of arsenal and armory of Light Horse Squad on							210					
adjutant-general and, to compile, perfect and recopy records in office of, pertaining to late war							244					
roster to be submitted to, secretary of state and department commander of Grand Army of Republic for approval							244					
may form companies of National Guard into battalions and regiments							208					
may order any subordinate officer of any regiment, battalion or company, to be examined by competent officer as to qualifications for office recommended or commissioned							208					
authorized to cause compilation of town laws							203					
when, to draw from contingent fund for prevention of Asiatic cholera							295	453	04			
compensation of members of Board of Health to be fixed by, when engaged in work for prevention of Asiatic cholera								452				
duties of, respecting settlement of claims of persons injured in capitol disaster								457				
site for state public school for dependent and neglected children to be approved by							377					
to muster into state service Battery of Light Artillery							804					
to muster additional companies into National Guard									353			
to appoint officers for Oneida county							411					
same for Forest county							436					
may employ clerks for proper dispatch of business under this chapter	616						439					
employment of clerks by staff officers of, subject to approval by	616						439					
may fix pay of adjutant-general and quartermaster-general when under special orders of	616						439					
may order regiments, battalions or separate companies of National Guard into encampment for instruction	640						439			344		
may contract for supply of water for capitol											170	
supplies for National Guard to be purchased subject to approval of							439			344		
may appoint eight agents to protect public lands of the state	238						444					
authorized to cause to be mustered into service and enrolled as part of Wisconsin National Guard one company of infantry, to be located at Waupun							452					
to appoint three fish wardens							r455	r550		436		
to appoint four game wardens							r456	r456				
to appoint special agent to settle claims of state against government under swamp land grant							456					
to fix compensation of agent							456					
to appoint a state veterinarian							467	76				
to appoint commission to visit battlefield of Gettysburg and select sites for monuments, etc., appropriation for to be paid on approval of								48				
to settle and audit accounts of Board of Immigration								21				
moneys for experimental, traveling and other expenses of state veterinarian paid subject to approval of								76				
authorized to prosecute and settle claims of state against United States, execute deeds, etc								515				
shelving in historical room to be under direction of								396				
when may appoint judge of superior court of Milwaukee county									24			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
GOVERNOR—Continued:											
to appoint three commissioners to represent the state at the centennial celebration of Washington's inauguration									52		
to approve vouchers for expenses of									52		
reports of investigations of Washburn Observatory, etc., to be made to									174		
to appoint trustees of asylum for care of chronic insane in counties of 100,000 or more									330		
to designate arbor day									417		
shall be member of board of deposits										273	
governor's message and accompanying documents to be bound and distributed, how										309	
GRACE, DAYS OF:											
abolished, to take effect in one year											87 246
GRADUATES:											
of colleges and universities; diplomas of, when countersigned, to be equivalent to state certificates			209					376			156
of university, college and normal schools, effect of											156
GRAHAM, DAN, ET AL.:											
dam across Wisconsin river, Oneida county										177	
GRAIN:											
requiring use of testers		174									
testers to be sealed		174									
manner of testing		174									
penalty for unlawful testing		174									
GRAND ARMY OF THE REPUBLIC:											
organization of; election of trustees, etc							55				
quartermaster general to issue arms to posts of								271			
to punish and prohibit unauthorized wearing or use of badges of									401		

[illegible] benefit society of, from provisions of insurance laws								534		477		
city of Milwaukee authorized to levy a tax to defray expenses of encampment of									12			
GRAND AVENUE:												
in Milwaukee a boulevard												113
GRAND JURY:												
relating to drawing and summoning									140			
GRAND RAPIDS, CITY OF:												
charter of amended						7			103	388		
repeal of ch. 367, P. & L. laws 1871, authorizing town of, to hold elections and keep office in									126			
repeal of ch. 298, laws 1878; free bridge across Wisconsin river at									173			
when may purchase bridge of Arpin, et al									462	239		
Centralia and, may build and maintain a free bridge across Wisconsin river									2	159		
changing time of charter elections of						7						
employment of prisoners in							55					
GRANT AND RICHLAND COUNTY BRIDGE COMPANY:												
conferring rights of, on Postle & Swingle, et al									42			
GRANT COUNTY:												
altering time of September term of court in		43					17					
certain lands in, to be escheated to state				200								
excepted from law providing that county board may levy bridge tax	1319			†315			187		508			
to facilitate sale of certain lands in								10				
appropriation to, in full for judgments, etc., vs. state for supp rt of insane patients									460			
GRANT, TOWN OF:												
extending time for earning certain bonds granted by, to Black River Railroad company				1								
GRAY, A. L.:									88			
appropriation to												
GREAT SEAL:												
of state, description of				280								
purchase of a new				280								
GREEN BAY, CITY OF:												
charter of, amended			285		169	2	297	311	115 309	20 304		
authorized to borrow from trust funds of the state			288									
authorized to maintain a free public library									85			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882	1883.	1885.	1887.	1889.	1891.	1893.
GREEN BAY:											
protection of fish in		103	287				455	520 412	482		
Door county, pier in			101								
pier in				216							
pier in					75						
pier in					76						
pier in					82						
pier in						115					
pier in								335			
pier in									209		
pier in									430		
waters of, known as district No. 3							455	520			
dock in authorized											32 110
GREEN BAY ROAD:											
in Herman, board may discontinue											5
GREEN COUNTY:											
adjournment of March term of circuit court of, for 1891, legalized				120							
term of court in											67
GREEN LAKE COUNTY:											
terms of circuit court in										133	
construction of fishways in Big Green Lake		145									
appropriation to		215									
fishways in				316	225						
appointment of fish wardens for					225	297					
appointment of register in probate in; salaries, fees, etc										208	
preservation of game in							47	528			
preservation and protection of fish in									364	458	
when may be caught									364		

penalty ... 304
drain in, authorized ... 81
special term of county court in ... 2401 ... 85

GREEN LAKE DISTRICT:
construction of fishways in ... 316 225 ...

GREENWOOD, CITY OF:
incorporated ... 131

GREENWOOD CEMETERY ASSOCIATION:
of Spring Valley, Rock county: to legalize acts of, and fix time and place of holding annual elections of trustees of ... 153

GROUSE—(See Game Laws): ... 106

GROVER, TOWN OF:
organization of, in Marinette county ... 80

GROWING CROPS:
exempt from taxation ... 1038 ... 182

GRUBB, WILLIAM S.:
appropriation to ... 8

GUARANTY COMPANIES:
organization and management of ... 263, 425
relating to formation of, for the purpose of guaranteeing title of real estate ... 1771 ... 352 274
to deliver certain securities of indemnity to secretary of state ... 352
may guaranty official bonds ... 133

GUARDS:
armed, to protect property forbidden ... 1033

GUARDIANS:
when citation on may be served by publication; order for publication and method of service ... 136
conveyance of real estate by special form of deed ... 345
may plat lands of wards for sale ... 112
acknowledgments by wards of satisfaction of claims against, may be recorded ... 192
ad litem; appointment of ... 2614 ... 327
court "or judge thereof" to appoint for infant parties ... 3104 ... 289
service of notice for appointment of, for infants, court or judge may make order ... 2614[a] ... 142
may be appointed for minors to take appeal from orders, judgments, etc., of county court ... 4031 ... 248
trust companies may be appointed as ... 295 158

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
GUARDIANS—Continued:											
appointment of, of insane persons having property in this state								298			
when children may be taken from custody of								353			
when, of estate of insane persons refuse to act, public administrator may	3819								70		
married women may act as general, executrix, etc	3092								68		
for insane, how appointed	3976										64
GUARDIANS AND WARDS:											
no accounting need be had when, before action against sureties	3968									156	
widow not to appoint testamentary, when her husband has by last will	3965							201			
when county judge may order settlement by, to, on marriage of ward	3970							355			
notice of petition by guardian to sell ward's lands to be published how often	3998									342	
notice of hearing to be published at least three weeks	3999									342	
may with approval of county judge, compromise and discharge claims for damages which ward may have	3982									27	
actions on guardians' bonds	3982										71
claim against insane, etc., ward, how presented											103 237
GUIDE BOARDS:											
duty of chairman of town board relating to erection of										70	
HABEAS CORPUS:											
service of writ of, when completed	3418			185							
when order reversed, time person out on release not to apply on term									239		
HABEN, ANDREW:											
appropriation to					8		51				
HADFIELD, THE, COMPANY:											
appropriation to									504		
HAGEMEISTER BREWING COMPANY:											
authorized to build piers in Sturgeon bay										89	

HAIL INSURANCE COMPANIES
of other states when, and how may do business in this state.. 261
fire insurance companies may insure against hail 44

HAIR:
for plaster, 8 lbs. a bushel..... 55

HAMBURG TOWN FIRE INSURANCE COMPANY:
authorized to reinsure Scandinavian Mutual Insurance Company. 82

HAMMOND, C. D., ET L:
authorized to construct dam, Tomahawk river, Lincoln county 41

HAMMOND, E. L.:
authorized to improve Lost creek..... 206

HANCOCK:
village of, Waushara county, to legalize a certain plat of..... 46

HANDWRITING:
evidence of, by comparison..... 226

HANEY:
town of, Crawford county, authorized to build a bridge across Kickapoo river ... 143

HARBOR COMMISSION:
to create the Kewaunee.. ..... 79 23

HARBOR DISTRICTS:
relating to and improvement of, in city of Superior..... 419

HARBOR MASTER;
of city of Racine, to increase salary of..... 99

HARD LABOR:
persons sentenced to imprisonment in county jail may be sentenced to, county board to have direction of.... 200

HARE AND RABBITS:
how may be hunted..... r443 203

HARRIS, S. M. AND JOHN L. JONES:
authorized to construct a toll bridge across Wisconsin river in town of Wyoming. 279

HARRISON, TOWN OF:
Lincoln county, created..... 153

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
HARTFORD:											
city of, incorporated						80					
charter amended							230				
HASKINS, C. W.:											
acts of, as notary public legalized						105					
HAY CREEK:											
Clark county, dam across			171								
Chippewa county, dam across			296								
Burnett county, dam across				77							
Price county, dam across						198					
HAY MEADOW CREEK:											
bridge across authorized	—										123
HAY RIVER:											
Barron county, dam across			75								
Barron county, dam across				144							
HAYWARD:											
town of, Sawyer county, created						47					
HAWKERS AND PEDDLERS:											
who required to take out license as	1570			100					510	443	
application, how made for									510	443	
secretary of state to grant license to	1575			100							
disabled soldiers exempt from license as				100							
penalty for violation of this act	1576			100							
resident dealers in agricultural machinery not required to take out license as	1570				218		203				
nor butchers selling or peddling their own meat	1570						203				
HEALTH—(See Public Health, State Board of Health, etc.):											
public, protection of											270

HEALTH COMMISSIONER:
in city of Milwaukee, appointment of 217
in counties of more than 100,000 population, duties of 1021 204
appointment of, under general city incorporation act 813

HEIRSHIP:
evidence of, judge may certify when 23

HELLENBOAT, WILLIAM J.:
appropriation to 306

HELVETIA:
town of, Waupaca county, authorized to invest its surplus town funds known as bridge funds 139

HEMLOCK CREEK:
Barron county, dam across 40
dam across 41
Chippewa county, dam across 93 100

HENRY, W H.:
to provide for publication and distribution of report of, as Professor of Agriculture in University 28 435

HENWOOD, V. A.:
appropriation to 234

HERMAN:
town of, Sheboygan county may discontinue road 5

HERMAN'S SONS:
amending act of 1871, incorporating Mutual Insurance Company of order of 2
and other secret orders not to be deemed life insurance companies within meaning of general laws ..... 204 ..... 534 477
organization of, and similar societies ..... 2002 ..... 19 204 208

HEWITT—TOWN OF:
extended time for earning certain bonds granted by, to Black River Railroad Co 1

HICK'S LAKE:
Waupaca county, piers, docks and bathing houses in 61

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
HIGH SCHOOLS—(See Free High Schools):											
HIGHWAY:											
Chippewa county to lay out and construct a						190					
in Herman, Sheboygan county, may be discontinued											5
HIGHWAY TAXES:											
expenditure of certain, in town of Clayton, Winnebago county; act for, repealed				84							
assessment and collection of; Pierce county added to list of counties wherein additional highway tax is authorized	1240		60								
assessment of	1240					163					
assessment of additional, when and by whom made	1244				215						
expenditure of, returned	1245					26					
collection and disposal of, in villages				108	213						
persons maintaining public watering place on highway to be credited $5 00 on highway tax						237				191	
collection of, and sidewalk in villages of 3,000 population, census 1885								78			
blanks for making highway tax lists to be furnished overseer of, by town clerk								477			
may be raised in money and expended by town board											284
HIGHWAYS—(See Bridges; Highway Taxes; See Overseers of):											
rights of abutting owners on, streets, alleys, etc									255		
providing for new records of, how made and filed									106		
when ground, etc., may be taken to improve, in adjoining road district	1236					148					
bridges on highways between two towns, when to be maintained by both	1273					236					
application for commissioners where made, when highway is on line between two counties	1276			223							
costs on appeal from commissioners	1280			137							
supervisors and commissioners may certify affidavits	1299			273							
appeals from refusal to lay out, alter, etc., county roads	1302					85					
to provide for appeal from finding of appraiser appointed under section 1237							46				
how discontinued, notice, etc	1267								266		
damages to be ascertained	1270								266		
rule to estimating	1271										121
apportionment of road between towns	1278								266		

on town line	1273								266		
when extending from, to city	1274								266		
relating to, between towns, cities and villages	1274						380		266		
to regulate propelling of steam engines upon, in towns							175		509	367	
liability for damages caused by same							175		509	367	
town boards may levy tax of $ 00 for opening and repair of							243				
not to be laid out, widened or altered where damages are $250, or over, unless order approved and accepted by majority of qualified voters at town meeting	1291						289				127
railroads to keep right of way clear of brush, etc., 20 rods each way at intersection of									512		
lien for labor on road bed or structure									509		
relating to between adjoining towns crossing streams	1320						345	285			
extent of damages that may be recovered under section 1339							454				
appeals in proceedings to lay out county roads	1304	194				336					
when damages for laying out county road exceeds $1,500, question to be submitted to vote of town liable therefor	1304					336					127
persons maintaining public watering place on highway to be credited $5.00 on highway tax						237				191	
when to be deemed to be legally discontinued	1294				253		102				
to fair grounds and cemeteries					108						
to cause all not fully described and recorded to be recorded in town clerk's office	1223[3]						103				
to provide for laying out, from points within, to points without the boundaries of incorporated villages								133			
may be placed under control of town board											284
duty of overseers in removing snow from	1249							170 454			
relating to removal of encroachments from										154	
appeal from order of town board in laying out, how taken								210			
five days' notice to be given to occupants of lands through which proposed highway shall pass before proceeding to lay out same	1275							213			
State Board of Supervision authorized to grant right to lay out highway through grounds of Wisconsin Industrial School for Boys								265			
counties may aid towns in building and repairing, when								445			
crossing railway lines, how constructed								493			
temporary, how opened and laid out through timber lands—liability of owners, etc									402		
notice of damages for defects in, not invalid for defects in	1339										85
railroad companies to restore to former usefulness, when	1836										107
obstructions in, how removed	1337										183
municipality may purchase bridge	1320 1321										132
HILKER, A., AND OTHERS:											
appropriation to, for work, etc., on University buildings									504		
HILL, JAMES:											
appropriation to						27					

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
HISTORICAL SOCIETY:											
triennial preparation of reports of	3677	194									
bills for binding and printing to be audited, appropriation	375		106								
salary of assistant librarian increased	375			279			81				
addition to capitol for use of					252						
to sell and convey a certain tract of land						137					
salaries of corresponding secretary and assistant librarian established							31				
additional shelving for								369			
printing reports, catalogues, etc., of	340							483	515		
county clerk required to furnish certain reports, etc., to									71		
HISTORY OF TERRITORY OF WISCONSIN:											
commission appointed to examine and read manuscript of							285				
to give notice of approval to commissioners of public printing							285				
copies of, to be printed and disposed of by superintendent of public property							285				
appropriation for							285				
HOARD, TOWN OF:											
created in Clark county									110		
HOG CHOLERA:											
penalty for bringing into state swine diseased with	1492				121						
HOLIDAY—(Legal):											
May 30th made a legal holiday	2577	140									
for what purposes court may sit upon	2576	194									69
June 10, 1880, declared a legal holiday			242								
arbor day									417		
court may be held on, in eleventh judicial district, except July 4										877	69
courts may do business on											69
labor day, a legal											271
when prisoners need not work on in factory										206	
HOLTON, EDWARD D.:											
appropriation to, for services as commissioner to New Orleans Exposition								301			

HOMESTEAD:
what interest in, taken by widow, who elects not to take jointure or devise 2172
descent of, when no widow or minor child of deceased owner survives him..... 2271
when made liable for debts of, intestate..... 2280

HONEY:
adulterated, to be plainly marked; penalty 40

HORSES:
relating to fraudulent entry of, to compete for premiums..... 279

HORTICULTURE:
appropriation to university for..... 280

HORTICULTURAL SOCIETY:
reorganization of Wisconsin state..... 151
appropriations to..... 151 121 131 109 56 36 8 117
annual..... 8
annual meeting of..... 14
report of..... 526 249

HORTONIA:
town of, Outagamie county, together with town of Liberty, to build a bridge across Wolf river..... 298

HOSPITALS – (See Insane Hospitals):
Northern may buy additional lands..... 273

HOTELS:
to be so constructed that doors swing outward..... 190
or inns to have fire escapes, inside casings of elevator to be constructed of fire-proof material 375
watchman in, to be on duty nights 375
to post statement in every room of means of safety and escape from, in case of fire..... 375
penalty for non-compliance..... 375 46
penalty for beating or obtaining credit at, or inns, etc., by false pretense.... 251

HOUSE OF CORRECTION:
Milwaukee county; penalty for attempting to escape from..... 4490 230
penalty for escaping from 4494 230
expenses for maintenance, how paid; payments by city of Milwaukee 249
when convicts may be sentenced to..... 2514 180 290
sentences to county jails of Racine, Kenosha or Waukesha counties, for vagrancy, may be executed at..... 291

HOUSES OF ILL-FAME:
relating to suppression of..... 4589a 62

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
HOUSES OF ILL-FAME—Continued:											
penalty for keeping, leasing premises for, or being an inmate of, or frequenting	4589	.....	.....	.....	.....	.....	.....	116	338	.....	.....
penalty for detaining any woman by force in, or house of assignation, or for aiding, abetting or assisting in detention	.....	.....	.....	.....	.....	.....	.....	214	396	.....	.....
HOUSEHOLD FURNITURE:											
chattel mortgage upon, invalid unless signed by wife and witness	2313	.....	.....	.....	.....	.....	218	268	.....	.....	.....
$300 exempt from taxation	1038[11]	.....	.....	.....	.....	.....	.....	.....	368	301	182
if not owned, deficiency may be made up of other personal property	.....	.....	.....	.....	.....	.....	.....	.....	.....	361	.....
on conditional sales of, vendee to have statement of amount due; redemption; filing of contract	.....	.....	.....	.....	.....	.....	.....	.....	518	.....	.....
HOWE:											
town of, Oconto county, territory detached from	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	6
HOWELL AVENUE:											
Milwaukee county, to be graded	.....	.....	.....	201	.....	.....	.....	.....	.....	.....	.....
HOYE, JAMES:											
city of Milwaukee authorized to pay claim of, for paving Erie street in city of	.....	.....	.....	.....	.....	.....	429	.....	.....	.....	.....
HUDSON:											
city charter of, amended	.....	.....	.....	257	274	.....	197	.....	17	415	.....
ferry across St. Croix river at	.....	.....	.....	.....	174	.....	.....	.....	.....	.....	.....
ferry across St. Croix river at	.....	.....	.....	.....	275	.....	.....	.....	207	168	.....
may issue bonds to build school house, etc	.....	.....	.....	.....	.....	.....	.....	112	.....	.....	.....
HUDSON AND RIVER FALLS RAILWAY COMPANY:											
acquirement of, by North Wisconsin Railway Company	.....	.....	176	.....	.....	.....	.....	.....	.....	.....	.....
HUHN, G. J., ET AL.:											
dam across Red river, Shawano county	.....	.....	.....	.....	.....	.....	.....	.....	.....	175	.....
HUMANE SOCIETY:											
Wisconsin; agents of, to have certain police powers	.....	.....	179	.....	.....	.....	.....	.....	.....	222	.....

HUNGARIAN GRASS SEED:											
legal weight of bushel of	1665			121							
HUSBAND:											
or other person may cause insurance on lives made or assigned to married women	2347								271	378	
HUSBAND AND WIFE—(See Married Women):											
husband not liable for personal torts of wife						25					
release of dower by insane wife	2225	194					865				
insanity made a ground for divorce				†297	230						
punishment of, for abandonment of							422	318			
on divorce from, wife may assume former name, when									280		
HUTCHINS—TOWN OF:											
detaching certain territory from, and erecting town of Aniwa							393				
HYNES, PAT, ET AL.:											
may improve Iron river for log driving purposes and collect tolls										222	278
ICE:											
penalty for neglect to fence openings in	4305		267								
to prevent cutting of, in certain parts of Sturgeon Bay					164						
to prohibit sale of, for drinking and eating purposes, cut in certain places in Milwaukee river, penalty								361			
ILLUMINATING OILS:											
inspection of; appointment and duty of supervisors			260						440		
inspectors to report to supervisors, publication of report			269	288							
appointment of inspectors			269	288					440		
oath of supervisor and inspectors			269	288					440		
bond of supervisor			269	288					440		
city counsel may nominate inspector			269	288							
duties of inspectors; brands to be used			269	288		158					
authority of inspectors to enter upon premises			269								
when oils to be rejected			269	288							
instruments for making flash test; manner of testing			269	288					440		
compensation of inspectors			269	288					440		
inspectors to keep record of tests			269								
inspectors not to deal in oils; penalty			269	288							
penalty for selling uninspected or rejected oils, liability for damages			269								
in case death results from unlawful sales, seller guilty of manslaughter			269								
report of inspector									440	300	
penalty for falsely branding, or altering brands on casks, etc			269								
for refilling branded casks without new test			269								
for selling casks, etc., bearing uncancelled brand			269								
for adulteration			269								
prosecutions for violations of act			269								
penalty on inspector for failure to enter complaint			269								

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ILLUMINATING OILS—Continued:											
terms defined			269						440		
IMMIGRATION:											
state board of, established		176									
members of; appointment		176									
committees in counties		176									
duty of board		176									
collection of statistics		176									
secretary and agents; compensation		176		223							
appropriation		176	194	222							
appropriation increased and made annual			194								
abolished								21			
IMPECUNIOUS LITIGANTS:											
may make agreement with attorney to conduct suits when										204	
IMPROVEMENTS:											
allowance for, to defendant in ejectment											283
in cities, issue of bonds for											313
of highways, powers of town board as to											284
villages may issue bonds for											274
IMPRISONMENT—(See Sentence):											
punishment for unlawful	43877					257					
of criminals, terms of	4733								300		
INCORPORATED VILLAGES—(See Villages):											
may acquire real estate for public use, how											206
INCORPORATION—(See Corporations, Executors, Administrators, Guaranty Companies):											
of cities, general act for									220		
of religious societies in connection with Congregational churches			264								

of congregations of Roman Catholic church	ch. 91					37			818		
fees for filing articles of, with secretary of state	1772?					241	853				
INDEBTEDNESS:											
of municipalities; when new bonds may be issued	960c			8							
where to be offered for sale; where payable	960c			8							
of school districts, to provide for refunding								231			
INDEMNITY:											
paid to owners of animals slaughtered by virtue of the provisions of this chapter, secs. 5, 8 and 9							467	76			
not to be paid for animals belonging to U. S., this state, or any city, county or village in, or for animals brought into state contrary to sec. 6, or where owner or claimant has not complied with secs. 3 and 7 of this act, or when owner or claimant came into possession he knew it diseased, or for animals found diseased when brought into state, sec. 9							467				
bond to be filed with secretary of state by corporations organized for treatment and care of insane persons								816			
INDEPENDENT ORDER OF BNAI BRITH:											
not a life insurance company within meaning of general laws										477	
INDEX:											
to session laws enacted since 1878						51					
INDEXES:											
discontinuing of tract	762			149							
INDIANS:											
how descendants of Chippewas of Lake Superior may become legal voters		84									
INDICTMENTS, INFORMATIONS, ETC.:											
statement of district attorney for not filing, to be indorsed by judge	4653								257		
INDIGENT UNION SOLDIERS, SAILORS, MARINES, ETC.:											
grating temporary aid to their wives, widows and minor children	1524							518			
tax to be levied for relief of, county board to have list of, county judge to appoint commission, duties								304	339	250	
relief extended to parents of										421	
INDUSTRIAL EXPOSITION:											
city of Milwaukee authorized to lease certain premises for an							461				
property of, exempt from tax								160			
INDUSTRIAL SCHOOLS:											
relating to commitments to, etc								424	144	371	
inmates may be bound out, etc								424			
to regulate commitments to and discharges from					175						

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws – Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
INDUSTRIAL SCHOOLS—Continued:											
judges, courts, etc., committing children to, to observe wishes of parents or guardians in selecting same										245	
children not to be removed from for transfer without consent of parents or guardians or officers of institution										245	
entitled to Webster's dictionaries at cost price	509			195							
for boys: appropriations to		134	108	284	83	142	71	83	87	257	152
history of boy sentenced to be forwarded to superintendent	4970			212							
abolishing board of managers of				298							
placed under control of state board of supervision				298							
no child to be committed as vagrant or incorrigible until supervisor of town or superintendent of poor notified of arrest, and permitted to appear before judge and be heard	4968						206				
for girls: appropriation to			141	310	305	285	451	482	75	247	159
to pay special assessments on property of									418		
punishment for abuse of inmates of			205								
limiting number of pages of reports of							303		526		
additional copies may be ordered										309	
when minor committed to by magistrate, report to be made to county judge										371	
INEBRIATES AND HABITUAL DRUNKARDS:											
may be confined in asylum; when								104			
county judge may commit to poorhouse; when										241	
INFECTIOUS DISEASES:											
to prevent spread of				168					64		270
to prevent spread of, and contagious diseases among domestic animals							407	76			
Asiatic cholera, to prevent spread of								452	64		270
INFECTIOUS AND CONTAGIOUS DISEASES:											
among domestic animals							407				
to prevent spread of							407	76			
state veterinarian to be appointed, duties of							407				
animals affected with, not to be brought into state											
agents of corporations or any person having animals affected with, to report to veterinarian or board of health							407	76			

contingent fund to state board of health											
penalty for failure to report											
animals affected with, to be slaughtered, and their value after appraisal paid to the owner, sections 5, 9, 10							467	76			238
							467	76			
INFORMATIONS—(See Indictments, etc.):											
may be filed against corporations without preliminary examination	4654			173							
informer to have share of fines for violation of fish and game laws											807
INJUNCTIONS:											
when may issue, to restrain nuisance, before right is established by law	3180				190						
when preliminary, granted, against electric light companies to prevent further use of current									375		
INJURIES:											
liability of railroads for, to employes									488		220
INNS—(See Hotels):											
INQUEST OF DEAD:											
coroner of Dane county to take	r4883			r147	110						
coroners may take						12					
compensation of officers, jurors and witnesses on							240				
compensation of physicians and surgeons	4870						339				
relating to holding	4866							137			
sheriff may summon jury, sec. 2	4869							137			
INSANE:											
when party holding office adjudged to be; vacancy created	902								361		
claims against estate of, how heard	3882									27	287
guardian for, how appointed	3972										84
INSANE ASYLUM—(See County Asylums):											
relating to donation of land for, near Sheboygan					61						
Marathon county may establish											223
Winnebago county may establish											175
INSANE HOSPITALS—(See Insane persons. County Asylums):											
government of; separate statement for each county to be filed with secretary of state	602		r96	298							
duty of secretary of state	602		r96	298							
procedure for commitment of patients to	r592 r595 583		266	202		35			228	153	
rehearing and procedure thereon				202							
infirm and imbecile persons not to be committed to				202							
proceedings when inmate improperly charged to county, or is not resident of state				229							

Subject Matter of Law.	Revise Statutes amended or repealed.	General Laws--Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
INSANE HOSPITALS—(See Insane Persons. County Asylums)—Continued.											
errors in accounts with counties, how corrected				229							
in counties; care of chronic insane, vacancies in boards of trustees, how filled				233	283		309				
fixing amount chargeable for support of insane in county asylums								369	76, 105, 139		
when county treasurer to act as treasurer of								596			
appropriations for, by county board				233							
organized under chapter 233, 1881, known as county asylums							172				
relating to government of, for chronic insane								138		365	
Northern, may buy additional land											278
trustees of county asylum, *ex-officio* trustees of poor house										244	
but county boards may order otherwise										244	
amount due from state to, how paid				233							
board of charities and reform to visit					283						
when board may designate county asylum for care of, duty of board									105		
when superintendents of, not exempt from subpœna	588				151						
established and maintained by corporations; regulation and management of						171	172				
to file indemnity bond with secretary of state								316			
to make annual report to State Board of Supervision								316			
governor to appoint trustees for Milwaukee county								514	330		
relating to transfer of patients to, and leave of absence of, from							168, 172		401		
plans for construction of county, to be submitted to Board of Charities and Reform								101			
fees of sheriff in removal of persons to	004							187			
inebriates and habitual drunkards may be confined in								104			
INSANE PERSONS:											
relating to appointment of guardians								203			84
collection of statistics of	1014		229								
settlement of accounts against state for care of insane paupers			270								

INSANE PERSONS—Continued:
procedure of commitment of, to hospital ... 593; r592; r594 ... 266; 266; 266 ... 202 ... 35 ... 228 ... 153
rehearing and procedure thereon ... 202
when county judge may order confinement pending proceedings ... 202
circuit judge and judges of courts of record in county to have same powers as county judge ... 35
proceedings relating to commitment to be filed with county judge ... 35
fees of municipal judges in proceedings to adjudge ... 593 ... 41
conveyance of, to hospitals by relatives and friends ... 131
care of chronic insane in counties ... 233 ... 209 ... 105; 330
when may be removed from state to county asylums, duty of board of charities ... 461
convicts and persons acquitted on ground of insanity, when transferred to Milwaukee county ... 233
property of, when liable for their support in hospitals; enforcement of liability ... 233 ... 379 ... 76
fixing amount chargeable for support of, in county asylums ... 369 ... 76; 139
giving right of appeal from orders of county court, respecting ... 139
corporations to establish and maintain hospitals for care and treatment of ... ch 86 ... 171
release of dower of insane wife ... 2225 ... 194 ... 365
relating to transfer of, and leave of absence from institutions ... 168
when record of all who have been confined in any hospital or asylum to be sent by superintendent to county judge of county chargeable ... 172
fees of sheriffs for removing to asylums ... 604 ... 187
when guardian of refuses to act, public administrator to ... 3819 ... 70
relating to restoration of, to their civil rights, procedure ... 55

INSANITY:
made ground for divorce ... 2356 ... r297 ... 230
trial of special issue on plea of, in criminal cases ... 4697 ... 164
fees of judges in proceedings to determine ... 593 ... 41

INSOLVENCY—(See Voluntary Assignments):
proceedings in; assignee to pay taxes on property of insolvent ... 4301 ... 194
notice of application for assignment; how served ... 4296 ... 313
proofs of service ... 4288 ... 313
relating to clerk's fees for filing and entering papers, etc., in ... 4300 ... 166
discharge of, proceeding ... 885 ... 88

INSOLVENT DEBTORS—(See Voluntary Assignments):
when creditor of, may bring suit to set aside fraudulent preferences and conveyances by ... 292
discharge of, application for, proceedings on ... 885 ... 88

INSOLVENT MUTUAL INSURANCE COMPANIES:
claims due from policy holders, how collected ... 293

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1901.	1903.
INSPECTION:											
of illuminating oils			269	288					440		
of Bayfield Rifles			300	299							
INSPECTION DISTRICTS—(See Lumber Inspection Districts):											
how fixed by county superintendent	461[a]		r155	272							
for inspection of logs, timber, etc., in fourth	1743						266				
for inspection of logs, timber, etc., thirteenth district created	1730 1733			225	193						
fourteenth district created; tenth altered	1730 1733				193						
fifteenth created	1730 1733						112				
sixteenth created; office at Tomahawk									887		
INSPECTORS:											
of illuminating oils			269	288					440		
additional copies of report of, may be ordered										309	
INSPECTORS OF ELECTIONS—(See Ballots):											
appointment of, under revised law secs. 37-38											288
duties of, as board of registration, secs. 12-17											288
duties of, on election days, secs. 39-57											288
to endorse certificate on ballots										379	288
when may receive ballots at door of polling place										379	288
duties of, concerning, counting and preservation of ballots	45						464	370		413	288
to make proclamation at opening and closing of polls in cities of 5,000 population										404	288
duty of, respecting defective ballots, statement to be made by, etc									507	413	288
number at each poll; qualification duties of; in towns supervisors to be	25						464			446	288
word inspector defined											288
to regulate appointment of, in cities of over 25,000 inhabitants		235					389	16	r62		288
same in cities of over 20,000 inhabitants								16	r413		
same in cities of over 50,000								39			
meetings of, etc., in new wards of certain cities, election April, 1887								543			
changing time for second meeting of	23										

chairman or, to deliver returns of, to county clerk									308		
appointment of, in new election districts									63		
same in cities of 150,000 or more, duties, penalties, etc									442		
duties of, at election primaries in counties of 150,000 population										1439	2 8
laws, relating to appointment and duties of consolidated, revised and made uniform throughout state											253
INSTITUTION FOR EDUCATION OF BLIND:											
entitled to copies of Webster's dictionary at cost price	509			195							
abolishing board of trustees of				298							
placed under control of State Board of Supervision				298							
appropriation to					33	142	71	88	57	257	
name changed to Wisconsin School for Blind							56				
when steward of, may pay traveling expenses of indigent pupils										331	
INSTITUTION FOR EDUCATION OF DEAF AND DUMB:											
entitled to copies of Webster's dictionary at cost price	509			195							
abolishing board of trustees of				298							
placed under control of State Board of Supervision				298							
appropriation to					{ 4 33	142	71	88	57	257	
name changed to Wisconsin School for Deaf							56				
when steward of, may pay traveling expenses of indigent persons										331	
INSTRUCTION, CAMP OF—(See National Guard):											
governor may order troops into, secs. 41-42											292
INSTRUMENTS:											
record of									404	288	26
INSURANCE:											
on Lloyd's principle authorized											230
of military, state property, by military companies, Sec. 85											292
INSURANCE COMMISSIONER—(See Insurance Companies, Town Insurance Companies:)											
to prepare and file uniform form of insurance contract or policy; may have assistance of attorney general for same										195	
to have same printed together with this act and mail to companies										195	
limiting number of pages in report of							808		526		
to revoke authority of insurance agent making discrimination in contracts										267	
to issue certificate to church corporation, organizing insurance company to insure church property against fire, when										268	
duty of, in enforcement of laws		171					895				
duties of, as to examination of companies, licensing of agents, and prosecuting violations of law			240				895				
to publish statistics of town insurance companies			240								

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
INSURANCE COMMISSIONER—Continued:											
compensation of			240	300							
duties as to foreign hail insurance companies			231								
benevolent insurance companies to report to, and appoint attorney, duties of									334	418	
to act as attorney for foreign companies, duties									335		
made elective officer	128			300							
oath of office and bond	1967			300							
powers and duties	1967			300			395				
salary; may employ clerk				300		43					
first term of office when to commence				300							
to have deputy						43					
duties of, respecting license to life and accident companies, examination to be made by	1947, 1948, 1949							546			
duties of, in enforcing payment by companies of tax due fire department of the several cities and villages in the state								486			
to furnish companies forms for statements	1971							319		302	
when to furnish certificate to mutual life insurance companies for postponement of sale							199				
to prosecute, compromise, settle or compound forfeitures incurred by insurance companies							396				
repealed, attorney general to prosecute								517			
moneys collected by virtue of this act, how disposed of							395	517			
certificate of, of solvency of surety company made equivalent to justification of sureties required by law							449				
when to be given and what to show							449				
when may license accident insurance companies to do business on mutual or assessment plan								503			
when to issue certificate to millers' and manufacturers' insurance companies to do general business								94			
appropriation for payment of expenses of, in prosecuting violations									320		
members of Methodist Episcopal church may form corporation and file articles with, fees, etc									346		
druggists' mutual, formation of, when to issue certificates to									324		

INSURANCE COMPANIES—(See Town Insurance Companies):												
to issue license to foreign building and loan associations, when report to be made	905								525	460		
to, etc., duty of										81		203
vacancies in office of, how filled												
powers of, in relation to insolvent mutual companies												
insurance commissioner to furnish form of uniform policy to										195		
penalty for neglect to comply with by, copy of this act to be sent to										195		
form for statement to be furnished to, by commissioner of insurance	1971							819				
accident companies may do business in this state, on mutual or assessment plan when								503				
authority to do business and licenses of agents revoked for violation of law		171								207		
examination of affairs of companies			240					546				200
expenses of examinations, how paid			210									200
when certificates of companies revoked			240				101					
gifts to commissioner or examiner a misdemeanor			240									200
examination of corporations for admission to transact business in this state			210					546				
verified copies of entries from books of, when may be received in evidence, penalty for making false statement									473			
to provide for organization of companies to insure against accidents other than fire or lightning	1896[2]									299		
life; not to make discrimination in issuance of insurance contracts; contract to be plainly and fully expressed in policy										267		
to prevent fraud upon												233
agent of, violating provision of act to have authority to do business in state revoked										267		
local fire, may be organized in cities and villages, manner of								305	211	296		
live stock, corporation may do business in state	1947 to 1955							309	88			
may be formed by church corporations for insurance of church property against damage by fire or lightning										208		
exempting certain secret, beneficiary, charitable and benevolent orders from provisions of general insurance laws	[2]	204		246	249 281	94	19 458	42 198 509 534		441 477		
benevolent fraternal, to report to commissioner of insurance, to act as attorney for									334	418		
members of Methodist Episcopal church may form, powers, duties, fees									346			
to facilitate collection of judgments against									480			
foreign corporations to act only through duly licensed agent			240									
to file statement with commissioner, what to contain, commissioner to act as attorney for, process to be served on	1915								335			
claims against policy holders in insolvent mutual, how collected												293
as to investment of funds by	1959											97
agents acting without license guilty of misdemeanor; punishment			240									
who held to be agents			240									
companies to contribute to expense of insurance department			240									

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
INSURANCE COMPANIES—(See Town Insurance Companies)—Continued:	1946c	.....	126	.....	166	.....	.....	.....	.....	.....	.....
fire; publication of fraudulent statements by, declared unlawful; revocation of license	....	.....	.....	.....	.....	44	.. ..	.....	.....	.....	.....
may insure against loss or damage by lightning, hail, cyclones, etc	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
doing business in Oshkosh, to pay percentage to city	.....	.....	308	.....	.....	.....	.....	.....	.....	.....	.....
may classify its directors	....	.....	.....	.....	.....	.....	.....	17	.....	.....	.....
fire, inland navigation and transportation; taxation of	1219	138	.....	.....	.....	.....	.....	.....	.....	.....	.....
hail; how formed	1956	194	.....	.....	.....	.....	.....	.....	.....	.....	.....
foreign; when and how may do business in this state	.....	.....	281	.....	.....	.....	.....	.....	.....	.....	.....
life or accident; may invest funds in county bonds	1951	.....	.....	.....	204	.....	.....	.....	.....	.....	.....
accident; may do business in Wisconsin	.....	.....	105	.....	227	.....	.....	.....	.....	.....	.....
to file statement with insurance commissioner or deposit security	... .	.....	.....	.....	227	.....	.....	.....	.....	.....	.....
issuing policies only to members, as benevolent undertaking, when exempt from general laws	.....	.....	.....	.....	281	.....	.....	.....	.....	.....	.....
fire; to pay duty to treasurer of any city, village or town containing unincorporated village, having or maintaining organized fire department	1926	.....	.....	.....	.....	.....	308	.....	.....	.....	.....
providing for the more efficient collection of taxes due fire department of the several cities and villages in the state from	....	.....	.....	.....	.....	.....	.....	486	.....	.....	.....
owners of property insured, when liable for	.....	.....	.....	.....	.....	.....	.....	486	.....	.....	.....
license of company may be revoked for non-payment	.....	.....	.....	.....	.....	.....	.....	486	.....	.....	.....
bond for payment of duties to be given by underwriter or agent of	1926	.....	.....	.....	.....	.....	308	.....	.....	.....	.....
penalty for neglect to give	1926	.....	.....	.....	.....	.....	308	.....	.....	.....	.....
when duty paid to treasurer of fire department	1926	.....	.....	.....	.....	.....	308	.....	242	.....	.....
when city or village or town entitled to duty	1920	.....	.....	.....	.....	.....	308	.....	242	.....	.....
penalties and forfeitures for violation of laws, how collected by insurance commissioner	.....	.....	.....	.....	.....	.....	395	.....	.....	.....	.....
repealed—attorney general to prosecute, settle, etc	... .	.....	.....	.....	.....	.....	.....	517	.....	.....	.....
summons, how served on foreign, in actions against	.....	.....	.....	.....	.....	.....	443	.....	335	.....	.....
license for foreign life and accident insurance corporations to be revoked when they remove cause from state court	1947	.....	.....	.....	.....	.....	101	546	.....	.....	.....
relating to life an accident companies, applying for license, insurance commissioner to examine condition of, etc	1947 1948 1949	.....	.....	.....	.....	.....	.....	546	.....	.....	.....
where notice of intention of corporation to be published	1877a	.....	.....	.....	.....	.....	.....	88	.....	.....	.....
expenses incurred by insurance commissioner in prosecution of, for violations	.....	.....	.....	.....	.....	.....	.....	.....	330	.....	.....

Druggist's Mutual may be formed, how—powers of, etc 534
to prevent multiplicity of suits for same loss, all may be joined in one action 535
how to elect directors 79

INTEREST:
Ozaukee county relieved from payment of, on taxes due 1887 and 1888 4
foreclosure judgments to draw 3164 186 303
rate of on trust funds 279 143
on redemption of lands sold for taxes only amount due at time of, need be paid 415
legal rate, 6 per cent 1683 61
on trust funds, 4 per cent 187

INTERNATIONAL PROGRESSIVE ASSOCIATION:
exempt from provisions of general insurance law 509

INTERPLEADER:
in actions of conversion of personal property 2610 41

INTERPRETERS:
fees of, and witnesses 4067 222

INTOXICATED PERSONS:
not to go armed with fire-arms 320

INTOXICATING LIQUORS:
sale of; amount to be paid for license 1548 322 296 286
when question of, may be submitted to vote in towns, cities, etc 521 327
license moneys, how disposed of; former actions of town boards, etc, legalized 1562 156
without license; penalty 1550 322 296
to spendthrifts, penalty for 1556 312 322 438
spendthrift may be compelled to testify as to sale 1556 312 447
wife of, may prohibit sale 1554 174 322
county superintendent of poor of county, may prohibit sale 1554 438
sale or giving away, to non-resident may be prohibited by notice 1554 288
prohibition of sale to spendthrift may be renewed 1555 322 438
elections not to be held in or adjoining room where same are sold; penalty 219
license money derived from sale of, in Rock county, how disposed of 417
what complaint for sale of, to spendthrift to contain 1556 322 438
on refusal to testify as to where, etc., liquor was got, person may be committed 447
justice of peace to notify district attorney of prosecutions before him for illegal sale of 1769 202
sale of; right of action of injured person 1560 322
to minors; penalty; revocation of license 1557, 1558 174 322
proceedings on revocation of, when writ of certiorari issued to board, not to suspend order of hearing on 478
penalty for treating ..... 1556 †204 51

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889	1891.	1893.
INTOXICATING LIQUORS—Continued:											
complaint for violation of laws, what to contain	1551				322						
when justice to issue warrant	1551				322						
who required to complain	1553				322						
language of statutes, how construed; pleading; evidence	1555				322	284					
town and village boards and common councils may grant license to sell	1548						296				
permits granted to registered pharmacists, when	1548a						296	404			
all sales made by, to be entered in book, and verified copy of same to be filed with clerk of town, city or village where permit granted							296				
special election shall be held in the several cities, villages and towns to determine amount of license	1548b						296		247		
amount so fixed to stand until another election									247		
penalty for, without license	1550						296				
same for making false statement to pharmacist for purpose of introducing sale by	1550a						296				
provisions of chapter 296, laws 1885, made applicable to town of Superior, Douglas county								97			
appropriations not to be paid to agricultural societies permitting sale of, on grounds at their fairs							437	181	234		
when question of license for sale of, may be submitted to vote									521	327	
claim for sold at retail not to be allowed against estate of deceased									302		
license fee, how regulated by population	1548										286
INVENTORY—(See Voluntary Assignment):											
superintendent of public property to make	ch. 19				r177	159					
but one necessary, when several attachments levied on same property						249	259				
INVESTMENT:											
of public funds; in what bonds lawful	2584					89					
in county bonds, by life or accident insurance companies	1951				204						
IOWA COUNTY:											
highways in											
election of superintendent of poor in			248	r206	147						
terms of circuit court in					294				508		13

IOWA COUNTY AGRICULTURAL SOCIETY:
authorized to donate a piece of land to Mineral Point Railroad Company 113

IRON:
lien to extend to persons for services, etc, in mining, smelting, etc., of 448

IRON COUNTY:
created from part of Ashland county 8

IRON RIVER:
Bayfield county, dam across ..... 327 ..... 222 278

IRVING MUTUAL FIRE INSURANCE COMPANY:
to legalize acts of 202

ISENRING, FREDERICK:
appropriation to 240

JACKS:
to regulate use of, for procreation 35
owners of, to have lien on get of 408 383
claimant to file claim with clerk of city, town or village where owner resides 383

JACKSON:
town of, Adams county, authorized to aid in construction of a bridge across Wisconsin river 186

JACKSON COUNTY:
certain towns in, authorized to aid in construction of a bridge across Wisconsin river 186
part of town of Melrose in, attached to town of Little Falls, Monroe county 5 194
to discontinue part of state road in, from Black River Falls to Tomah, Monroe county 284
terms of circuit court in ..... 2424 35 { 12 / 47
to facilitate sale of a certain tract of land in 51
appropriation to, for swamp lands 281
fishways in dams in 451

JACOBSON, JOHN P.:
repealing chapter 287, laws 1876, authorizing erection and maintenance of dam by, in Burnett county 39

JAILS, POLICE STATIONS AND LOCKUPS:
State Board of Charities and Reform to have supervision of, and may condemn, and order repairs of, when 371 218
not to be constructed in basement of any other building 371 218

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
JAMES, WILLIAM W.:											
appropriation to			80								
JANESVILLE:											
city charter of, amended			159		221	78 350	106 136	164	60 102	400	
town of, authorized to hold its elections in city of			35								
repeal of ch. 242, P. and L., 1857, officers of fire department, etc., of, to turn over certain papers, funds, etc., to city clerk and treasurer of the fire police company of									149		
Smith's addition to, restored											258
JANESVILLE HYDRAULIC MANUFACTURING COMPANY:											
before work done under charter, same to be submitted to common council of city of Janesville								298			
JEFFERSON:											
city charter of, amended		51 163		28 29				59		50	
city of, authorized to borrow from trust funds of state		164									
town of, authorized to borrow money to build a bridge across Rock river			2								
amending ch. 182, laws P. and L. 1867, to enable said town to settle with its creditors								271			
JEFFERSON COUNTY:											
certain territory in, may be annexed to city of Jefferson for school purposes			197								
town of Washington in, may build bridge across Rock river										76	
error in levy and collection of state tax for, corrected										101	
terms of circuit court in											67
JENKINS, DAVID:											
acts of, as justice of the peace, legalized		8									
JENNY:											
town of, Lincoln county, organized		170		116							
name changed to Morrill											

JEWELL, P. B.:
to maintain a ferry across Lake St. Croix, at Hudson 174

JOHNSON, HANS:
to build a pier in Lake Michigan, Door county 91

JOHNSON, WM. W.:
appropriation to 249

JOHNSON, J. L.:
acts of, as justice of the peace, legalized 76

JOINDER OF CAUSES OF ACTION:
against insurance companies 235

JOINT RESOLUTIONS AND MEMORIALS TO CONGRESS:
how printed 1
for 1879, see page 511
for 1880, see page 491
for 1881, see page 429
for 1882, see page 1025
for 1883, see page 819
for 1885, see page 489
for 1887, see page 630
for 1889, after chapter 529 529
for 1891, after chapter 483 483
for 1893, after chapter 312 312

JOINT SCHOOL DISTRICTS:
alteration of boundaries of, appeals 280
in Dane county, boundaries changed 309

JUDGES:
of courts of record to have copy of S. & B.'s annotated statutes 205

JONES, JOHN:
appropriation to 330

JUDGMENTS:
in criminal cases, sentences of prisioners, from, etc 4733 390
of criminals formerly sentenced may be increased 4738 141
upon frivolous pleading, who may order 2681 194
of supreme court, to be docketed in circuit court 93
in circuit court, when to be signed and entered in vacation 140 180 101
to be entered and perfected within sixty days after finding of verdict; failur so enter is waiver of rights to costs 202 155
execution, not to issue on until costs taxed 155
appeals from, in justices' court; execution, how stayed; form of undertaking 3756 66

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
JUDGMENTS—Continued:											
same to be docketed in and executed by process of appellate court	3769									216	
undertaking by appellant in replevin if successful party does not give undertaking	3760			66							
undertaking for stay of execution for damages and costs in replevin	3761			66							
affecting real estate to be entered in separate books by clerks of courts							200				
shall only be a lien from time actually docketed							200				
liability of clerks of courts of record for making false entry of							200				
certified transcript of justices; form	3669							32			
against insolvents, entry, discharge of									385	83	
in divorce may provide that wife assume former name									280		
and decrees of U. S. courts to be docketed, indexed, etc., in offices of the clerks of the circuit courts									146		
in foreclosure, interest on	3164								186	303	
enforcement of against real property, transmission of roll, etc., from county where rendered, to county where situate, when—effect									280		
to facilitate collection, against life insurance companies									480		
offer of, how made in justices' court	3627										39
JUDICIAL CIRCUITS—(See Circuit Courts—Terms of Court):											
JUDICIAL ELECTIONS:											
voters to register at									409	379	
statutes relating to consolidated and revised, secs. 116-119											288
JUDICIAL OFFICERS:											
salaries of, not to be increased or diminished during term of office						180					
JUMP RIVER:											
Price county, dam across					228						
JUNEAU:											
city of, incorporated								58			
JUNEAU COUNTY:											
state road in, to Union Center		123									

state road in from Wonewoc					229						
repealing act of 1876, for protection of fish in Baraboo river			224								
action of county board of, legalized			273								
certain towns in, authorized to aid in construction of a bridge across Wisconsin river						186					
to regulate times of holding circuit court in		206							301	6	
price of certain public lands in, reduced									365		
commissioners of public lands to ascertain amount due from sale of swamp lands in									320		
changed from ninth to sixth judicial circuit											2
terms of circuit court in										6	2 137
JURORS:											
judge may order drawn and summoned for extra terms	2426									336	
judge may fix time for petit to appear after first day of term	2426								294		
venires, when and how issued	2535								294		
how drawn, grand and petit, how summoned, duty of clerk and sheriff	2532 2533 2535 2536 2545								140		
struck jury, when and how had									268		
how petit drawn in counties of 150,000 or more									493	201	
this act applicable to, of municipal court of Milwaukee county, when										201	
examinations of, as to qualifications	2849			9							
who exempt from serving as	2525					270					40
how selected when clerk of court interested in action	2475		219								
fees of, on inquests							240				
fees of, in justice court	3775									106	
empowering, making and filing a list of, in St. Croix county for 1887								263			
JURY:											
when struck jury may be had, how drawn, etc									268		
finding of, on commitment of insane person	598									153	
JURY COMMISSIONERS:											
when appointed duties, etc									493	201	
JURY FEE:											
repealing provision for payment of, in county courts having criminal jurisdiction	2478		86								
JUSTICE OF THE PEACE—(See Justices' Courts):											
powers of, to compel attendance of commissioners to lay out drains and fill vacancies	1362									299	
forbidden to purchase claims, when	4509										100
not to change place of trial of action to any other town or city except as provided in sections 3616 and 3617, R. S.	3571							197			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
JUSTICE OF THE PEACE—Continued:											
election of, in incorporated villages; jurisdiction				270							
bond of, by whom to be approved in town	846			45	284						
qualifications of, under section 846, R. S., declared legal					284						
to make statements to county clerks of criminal cases	679					188					
jurisdiction of, in criminal cases, etc., arising in villages when police justice incapacitated	886		127	75							
removal of causes from	3616					197		197			
fees of	3774		174								
to name in process, town or city where issued	3569							196			
also names of parties with date of issue and return	3594							372			
in city of Eau Claire, may have offices in any part of said city						60					
certified transcript of judgment of—form	3669							81			
in cities of Stoughton and Mineral Point, may hold office in any part of city							147				
to notify district attorney of prosecutions for sale of liquor in violation of law	4769						201				
compensation of, taking inquests of dead							240				
to have jurisdiction to try and determine actions for violations under this chapter							455				
requirements of state veterinarian to be determined by, section 5							467	76			
in town of Lisbon, may have offices in any part of village of New Lisbon			251								
in city of Baraboo, may keep office and perform duties in any part of city								65			
in city of Madison, may have offices in any part of said city		214					147				
in city of Plymouth, may have offices in any part of said city			70								
in second and fourth wards of city of Manitowoc, may keep office in either							401				
same as to, in first and third wards								286			
in city of Two Rivers, third ward may keep office in second ward										15	
election of, in city of Watertown		67 140	254								
to legalize acts of following:											
Baldwin, Benjamin B.				246							
Bink, Michael									196		
Blenkiron, Thomas		87									
Buglass, David		87									
Devitt, Terrence						18					

Foster, D. J										126	
Gibson, William H						188					
Jenkins, David		8									
Johnson, J. L						76					
McDonald, J. R					264						
Newburg, Aloys			71								
Nowell, James E						124					
Nyhus, Henry					142						
Phillips, Thomas		80									
Roberts, Charles A						125					
Slye, A. L								89			
service of process by person not an officer, when and how executed; penalty for violation of law	3608					261		235			
parties in; rules in court of record applicable	3612	194									
removal of causes, when and how made	3616					197		197			
counter-claim may be pleaded as in courts of record	3626[4]				197						
when plaintiff in action for collection of wages need not give security for costs						223					
garnishment; examination of garnishee and his witness	3721 3722 3728 3729			813							73
proceedings in, when garnishee's answer discloses that property is subject to other garnishee or attachment proceedings, or that property is claimed by other parties	3723a 3723b							228			
proceedings when garnishee adjudged liable; costs	3725		207								
judgment against garnishee failing to deliver property or pay money; proceedings for contempt, appeal	3726					84					
appeal from, costs on	2925			22							
judgments in to be docketed in, and executed by, process of appellate court	3769										
relating to fees of clerk of circuit court on	3756 3763							166			
from or police justice in Rock county may be to either municipal or circuit court								237			
form of undertaking for stay of execution	3756			66							
undertaking by appellant in replevin; stay of execution	3760			66							
stay of execution as to damages and costs	3761			66							
payment of fees of clerk in Milwaukee county						108					
relating to fees of jurors in	3775									106	
criminal cases; certificate of conviction to be filed with the clerk of the circuit court	4765		81								
accused may give bail during pendency of examinations	4745									235	
form of bail bond	4746									235	
when execution may issue against complainant and his surety	4760			66							
relating to change of place of trial of actions on appeal from, to proper county	2634						366				
in attachments in, defendant may traverse plaintiff's affidavit for, duties of justices on trial of							424				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882	1883.	1885.	1887.	1889.	1891.	1893.
JUSTICE OF THE PEACE—Continued:											
to name town or city in process where issued	3569							196			
and also name of parties with date of issue and time when returnable, before delivery to any person	3694							372			
exclusion of minors from certain trials before when									127		
KAKAGAN BAY:											
Ashland county, booms, canal, etc., in					276						
KATHERINE LAKE:											
canal from, to Tomahawk lake, Oneida county										137	
KAUKAUNA:											
to incorporate city of							37				
charter amended								458	40	155	
may issue bonds and build bridge									385		
KAUKAUNA—TOWN OF:											
to legalize acts of town board of, in building bridges							344				
KAVANAUGH, EDDIE:											
appropriation to				264							
KECHER SHEL BARZEL AND FREE SONS OF ISRAEL:											
not an insurance company within meaning of general laws										447	
KEGONSA LAKE:											
Dane county, preservation of fish in						89	228				
KEMPF, JNO. J.:											
appropriation to									240		
KENNEDY, THOMAS:											
appropriation to						359					

KENOSHA, CITY OF:											
amending act of 1868, entitled, An act to enable the city of, to readjust and fund its indebtedness			172								
repeal of same							84				
to enable it to reduce interest on its indebtedness by funding or exchanging present bonds							120				
to levy tax to pay interest on same, section 4							120				
to amend charter of							121			255	
KENOSHA COUNTY:											
relating to phonographic reporter in						1					
authorized to issue bonds to build court house and jail			21								
sentences to imprisonment in county jail of, may be executed at house of correction, Milwaukee county				291							
clerk of circuit court to be *ex-officio* register in probate										64	
KEYES, MRS. CLARISSA:											
appropriation to							418				
KEWAUNEE:											
town of, authorized to borrow from trust funds of state			10								
town of, authorized to build a bridge across Kewaunee river				127	232						
city of, incorporated							252				
charter amended							148	272			
authorized to borrow portion of trust fund							153				
may issue bonds to build bridge										340	
city clerk to include amount due on loan in tax roll								153			
KEWAUNEE COUNTY:											
state road in, from Lincoln		108	11								
amending act of 1878 for state road in, from Ahnapee				184				550			
appropriation to			164								
legalizing acts of state road commissioners relating to laying out state road in				154							
conferring powers and jurisdiction of justice of peace on county judge of					†279		14				
terms of circuit court in				63						5	
clerk of, to include amount due from city of, on loan from trust fund, in apportionment of taxes							153				
commissioners of public lands to ascertain amount due, on sale of swamp lands									320		
KEWAUNEE HARBOR:											
authorizing towns of Charleton, Krok and Pierce to vote upon question of voting aid for construction of			195								
KEWAUNEE HARBOR COMMISSION:											
to create and define duties of			79		23						

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
KEWAUNEE RIVER:											
Kewaunee county, boom in			21								
Kewaunee county, town of Kewaunee to build bridge across				127	232						
Kewaunee, town of West Kewaunee to build bridge across					53						
Kewaunee county, dam across				58		140					
KEWAUNEE STREET:											
Racine, relating to damages upon opening of						15					
KICKAPOO RIVER:											
Crawford county, dam across			7							416	
Crawford county, dam across			103								
Vernon county, dam across				67						416	
Crawford county, boom in						112					
Crawford county, towns of Henry, Clayton and Utica, or either of them to build a bridge across						143					
bridge across, Vernon county							26				
KIDNAPPING:											
punishment for	4387					257			219		
KICKAPOO VALLEY AND NORTHERN RAILWAY:											
may build and maintain bridges across Wisconsin and Kickapoo rivers in counties of Grant, Crawford, Richland and Vernon										416	
KILBOURN CITY:											
village of, authorized to use Wisconsin river for water works, and improve navigation thereof										277	
KILBOURN MANUFACTURING COMPANY:											
may build dam in Wisconsin river											118
KINGSTON:											
to legalize action of county board of Juneau, in division of town of			273								

KINNAER, ANDREW:
appropriation to 504

KINNICKINNIC RIVER:
relating to drainage into 256

KIRST, LOUIS:
appropriation to 158

KLEINSCHMIDT, CARL:
may dam Devil creek, Lincoln county 50

KLINDT, JOHN A.:
to maintain a ferry across Mississippi river at Cassville, Grant county 223

KLOCKSIR, WILLIAM:
city of Milwaukee authorized to pay claim of 400

KNAPP, OSCAR F.:
and another, to maintain a ferry across St. Croix at Osceola Mills 320

KNAPP, TOWN OF:
established in Jackson county 108

KNAPP'S CREEK:
Richland county, declared navigable for certain purposes 196

KNIGHT:
town of created, in Iron county 8

KNIGHTS OF PYTHIAS:
not to be life insurance company in sense and meaning of general laws of state 477

KOSHKONONG LAKE:
preservation of fish in 228
provisions of this chapter not to apply to 414

KROK:
town of, Kewaunee county, to vote upon question of voting aid for construction of Kewaunee harbor 195

KUNKEL, MARIE:
appropriation to 471

LABELS AND TRADE-MARKS:
association and trades unions may adopt and record in office of secretary of state 220
infringement of, a misdemeanor 14, 104

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
LABOR:											
to prevent interference with persons employed at								427			
LABOR DAY:											
a legal holiday											271
LABORERS—(See Liens; Wages):											
liens of railroads	1815			318	45						
in city of Milwaukee, protection of					261						
exemptions of earnings of					317	141					
wages due when exempt	2932[11]						336				
property mentioned in subdivisions 5, 6, 11, 13, 14, 15, 17, and 19, not exempt from attachment or execution on claim for domestic labor in and about dwelling	2982							536			
LABOR STATISTICS—(See Bureau of):											
to establish State Bureau of						319					
relating to Bureau of							247				
report of									536		
LA CROSSE:											
city charter of, amended		80		179 188 333	173	212 217 339	1 386 453	90 102 356	402	16 17 423	
extending time of charter election, 1887								90			
excepted from provisions of law relating to registry of electors	20[1]			333			310				
to vacate certain addition to city of						212					
city of, to issue bonds for sewers, water-works and schoolhouse purposes							304				
to levy tax to pay interest and principal when due							304				
to cede jurisdiction to United States over certain land in							325				
may build and operate bridge across Mississippi river									37		
vacating certain alley in block 5 in									514		
LA CROSSE COUNTY:											
appointment of register in probate in						40					
certain territory to be attached to town of Campbell in						205					
terms of circuit court in	2494			85						19 397	9 197

wagon bridge across Black river in										300	
LA CROSSE PRESBYTERY:											
authorized to appoint two-thirds of the trustees of Galesville University							22				
LADIES' HALL:											
improvement and management of, appropriation									416		
LA FAYETTE COUNTY:											
fishways in			248	r296	1 7	126					
terms of circuit court in	2424						17	402			13
LA FAYETTE COUNTY AGRICULTURAL SOCIETY:											
appropriation to						13					
LAKE:											
town of, Milwaukee county, to build and grade Howell avenue				201							
attaching certain territory to, from Bay View village								504			
LAKES:											
protection of fish and regulation of fisheries in											307 308
LAKE ELLEN:											
Sheboygan county, preservation of fish in				120							
LAKE GENEVA—(See Geneva Lake):											
city of, incorporated						182					
charter amended							322	256	358		
LAKE GENEVA SEMINARY:											
to amend charter of							294				
LAKE LA BELLE:											
Waukesha county, bridge across						10		71			
LAKE MICHIGAN:											
preservation of fish in, etc							455		482		
Door county, pier in		29					203				
pier in					94						
piers in						91					
piers in						337					
pier in								333			
Milwaukee county, pier in						193				192	
size of meshes of nets to be used in	r4563	192						520		233	
waters of, divided into districts, and fish warden to be appointed for							455	529			
fisheries in, regulated											308

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
LAKE PEPIN:											
excepted from provisions of ch. 62, laws of 1883							407				
ferry across, town of Stokholm may maintain										468	
LAKE ST. CROIX:											
amending act of 1875, for booms in			226								
St. Paul & Short Line Railway company to build a bridge across, near Prescott			248								
boom in			319								
ferry across, at Hudson, P. B. Jew to maintain					174						
ferry across, at Hudson, Patrick McGuire to maintain					275						
same, Bernhardt McGuire, et al										168	
ferry across, at Hudson, Buckwheat to maintain									267		
Chicago, St. Paul, Minneapolis & Omaha railway to build a bridge across							27				
LAKE SUPERIOR:											
size of meshes of nets to be used in	r4563	192						520		233	
relating to protection and preservation of fish in							455	520	453, 482	233	308
waters of, divided into district and warden to be appointed for							455	520			
LANCASTER:											
city charter of, amended					92						
LAND INSPECTORS:											
repealing section authorizing appointment of, in counties, with a proviso										488	
LAND GRANT—(See Swamp Land Grant; See North Wisconsin Railway Company):											
to Chicago, St. Paul, Minneapolis and Omaha Railway company; confirmation of grant					10	29					
LAND GRANT RAILWAY COMPANIES:											
settlement of differences between state and, relating to lands claimed as swamp lands						915					

LANDER, WARREN J.:											
appropriation to, from school and university fund										207	
LANDLORD AND TENANT—(See Lease):											
lien given under chapter 349, laws 1883, not to attach when relation of, exists	3314							466			
LANDS—(See Descent; Lands Sold for Taxes; Public Lands; Real Estate, etc.).											
sale of, by executors and administrators; proceeding in case of unknown heir or owners	3875 3878		65					466			
taken for streets, etc.; list to be recorded				319			237				
how described in assessments and tax rolls	1047			268							
LANDS SOLD FOR TAXES:											
foreclosure of tax certificates to cut off right of redemption of married women and widows	1181	194									
sold to county when liable to taxation, and who to purchase at tax sales; lands of married women and widows not excepted	1191	194									
in action to bar original owners, plaintiff may proceed against unknown owners, including married women and widows	1208	194									
redemption of, owners or occupants to pay on, only amount of charges, interest, etc., due at time of	1165								415	182	
limitation of action by grantee in tax deed to recover land	1187		309			133					
of action by former owner	1188		309								
of action to set aside sale or cancel certificate			309								
in such action, amount for which land sold to be paid into court; also in action to cancel tax deed or remove cloud on title			309								
when payment not required			309								
former limitations not repealed			309								
of actions to recover; supplemental answer; amendment of complaint	1210d				250	153					
limitations not to apply where deed is absolutely void	1210f						345				
sales to be held on third Tuesday in May	1130			214							
relating to liability of county treasurer in causing publication of	1130							103			
to whom deed issued, when certificate lost, etc					48						
when timber has been cut upon, and warrant issued, county treasurer not to sell certificate unless purchaser pays costs, etc	1195				254						
county clerk or treasurer not to purchase, at tax sales	1143			268							
in Marathon county; chapter 22, of laws of 1867, relating to conveyance of, to state, construed						83					
heretofore held and sold and conveyed by state; actions to recover possession of, or involving title to, when maintained; proceedings therein						278					
when such lands subject to taxation						278					
county clerk to give notice of expiration of time to redeem	1170						806	186 446			
when clerk may give notice of, by publication of omitted lands	1172									225	
LANGLADE:											
town of Langlade, county, created						308	127				

SUBJECT MATTER.	Revised Statutes amended or repealed.	GENERAL LAWS—YEARS, CHAPTERS AND AMENDMENTS.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
LANGLADE COUNTY:											
providing for settlement between Oconto and Forest								537			
name of county of New changed to			19								
to correct and fix boundaries between Shawano county and			247								
not to pay any part of loan to, or for public buildings in Shawano county			247								
railroad aid in, how voted			247								
boundaries of towns not to be altered by county board of Shawano county			247								
school and town taxes limited			247								
boundaries changed and towns established in	5			7			137				
boundaries changed and certain territory attached to	5					308					
settlement of accounts between Shawano county and				190							
settlement between Shawano county and						295					
terms of court in	2124					288	134				
creation of Forest county out of, and counties of Lincoln and Oconto							436				
creation of municipal court in and for										96 278	
LARCENY:											
act defining amended	4415										43
punishment of, when property stolen exceeds twenty dollars in value	4415		67					278			
of logs, etc.; punishment for	4449		295								
of standing timber	4415			170					397		
wrongfully severed from land of another									397		
from the person; punishment for	4413					19					
when bailee of any chattel, etc., guilty of; penalty	4415							278			
penalty for taking and carrying away things annexed to reality								99			
dogs, beasts and birds subjects of								523			
changing penalty for, in certain cases											43
LAWRENCE:											
relating to purchase or lease of a bridge by town of			157								
town of, Brown county, reversion of certain lands to						1203	396				
LAWRENCE, A. W., and others to build dock in Sturgeon Bay, Door county					64						

to build pier in Sturgeon Bay, Door county 65

LAWRENCE UNIVERSITY:
charter of, amended 16

LAWS—(See Copy Laws; Town Laws; amendments to, see Appendix "B"):
how distributed 359 67

LAW REPORTS:
circuit judges may subscribe for 187
for attorney general's office 305

LAYTON ART GALLERY:
city of Milwaukee authorized to remit taxes of 1888 on 160

LEAD AND COAL MINES:
draining of 283

LEAF TOBACCO:
where assessed for taxation 180

LEASEHOLD ESTATES:
when to determine in certain cases 77

LEASE:
of railroad equipment; when valid as to subsequent purchaser, etc 274
from year to year terminated by either party giving notice in writing 30 days prior to expiration of year 2187 109
city of Milwaukee authorized to lease certain premises in 461

LEEDS CENTER SCHOOL DISTRICT:
action of voters of, legalized 230

LEGAL HOLIDAY:
June 10, 1880, made a 242
May 30, made a 2577 146
for what purpose courts may sit upon 2576 194 142 1377 69
school taught on, to be counted as one day in settlement of wages with teacher 459 440
arbor day 417
prisoners not compelled to do factory work on 206
labor day, a 271
courts may sit on and do business, when 69

LEGAL NOTICES—(See County Court, County Judge):
publication of, in Sunday newspapers 77
need not be published on same day in each week 2276 77
may be published in Wisconsin Legal News 194

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
LEGISLATION UNIFORM: commission to promote, may be appointed											98
LEGISLATIVE EMPLOYES: to reinstate and revise compensation of certain								348	522	385	1
providing pay for additional									14 109		
increasing compensation of certain									500	385 475	
LEGISLATIVE JOURNALS: publication of									526	475	
LEGISLATIVE VISITING COMMITTEE: appropriation to for expenses of					8	27	51	114	91	219	
governor to appoint				298		208					
LEGISLATURE: bills, memorials, joint resolutions and journals of, to be printed by state printer										475	1
stationery for chief clerk and sergeant-at-arms		1			153		413	8	7		
appropriation for completing transcribing of senate and assembly journals		64	50	54	27						
appropriation for payment of expense of investigating committee of, under Jt. Res. No. 21, S.								506			
appropriation for payment of expense of committee investigating affairs of Sturgeon Bay and Lake Michigan Canal and Harbor Company										340	
appropriation for purchase of copies of annotated statutes for certain members and employes of										352	
same for committee on prison labor under joint resolution No. 24, A.								507			
pay for extra employes		85	20	14	5	179	120	7	14 100		
stationery for		89	90	178						18	
stationery and stamps for employes		113	44	82	25 237						
distribution of Blue Book	121	141						284	421	353	
relating to officers and employes of	111a	194			314						

appropriation for chaplain services			196	47	309	344	446	141	194 306	239	300
stationery for officers and committees for session of 1883					71						
sessions, when to begin	99				153						
stationery for lieutenant-governor and for transaction of business	113				153						
furnishing newspapers to members, etc	7115				153						
payment of accounts for newspapers	7116				153						
number of officers, clerks and compensation	111a	194			314		94 408		522	385 475	
to reinstate and revise compensation of certain								348			
increasing per diem of certain clerks of, session 1887 and 1889								501	500		
salaries of officers, clerks, etc	112				314	346	94 408		522	48 385	
of extra employes for 1887								7			
same, 1889									14 109		
clerk joint committee on incorporations									484		
LEMONWEIR: town of, Juneau county, to aid in construction of a bridge across Wisconsin river						186					
LEONHARDT, CHRIS.; to build a pier in Sturgeon Bay, Door county					93						
appropriation to						242					
LEROY, WILLIAM: to build a pier in Green Bay, Door county		41									
LEVEES: penalty for damages done to								221			
proceeds of sale of certain swamp lands in Sauk and Columbia counties to be used in construction of, in towns of Fairfield and Caledonia						322		292			
to protect bottom lands from overflow by construction of, application, how made								314			
U. S. may construct, in city of Portage									434		
construction and repair of, in towns										401	
LEWIS CREEK: dam across, Jackson county								371			
LIABILITY: of stockholders in banks and banking associations			223						451		
in case of sale, when attach to purchaser									451		
of policy holders in town insurance companies	1933			13							
of telegraph companies for negligence							171				
of municipal corporations for injuries to persons by mobs								400			
of railroads for injuries to employes									438		220

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
LIABILITY—Continued:											
liability of owner of steam engines propelled on highways, for damages caused by							175		509	807	
LIBRARIAN, STATE:											
to deliver certain duplicates for use of law department of university				200							
salary of							170				
LIBRARIES:											
containing 1,000 volumes, entitled to public documents	351		118								
appropriation for a circulating, to blind											200
LIBRARIES, SCHOOL DISTRICT:											
state superintendent to make rules for, etc	106[2]								284		
LIBRARY, STATE:											
appropriation for purchase of books for	371				35		123				
LICENSE—(See Fees; Intoxicating Liquors; Insurance Companies; Peddlers):											
town boards may, billiard, pool and pigeon hole tables and bowling alleys								321			
boom companies to pay two per cent. on gross earnings, when										422	260
when officers of towns, cities and villages may grant										327	
one not a permanent trader shall take out, in certain cases										443	
boom and dam companies to pay											260
LICENSE FUND:											
received by city of Chippewa Falls, relating to		105									
LICENSE MONEY:											
how disposed of in Rock county								417			
may be used by village for support of poor								473			
LICHTER, JOHN:											
appropriation to									504		

LIENS—(See Judgments):											
what property liable for labor and materials, and who entitled to a	3314								275		
for labor (on railroads) for contractor; when notice of claim to be served	1815			318							
for work, labor and materials, how validity extended for one year	3318			287	84						
for construction of cisterns	3314, 3321, 3329, 3324			328							
act amended to include cellars	3314, 3322, 3341										25
for building road bed or structure	3314								309		
purchaser at foreclosure sale to have writ of assistance	3326		187								
on logs, timber, etc., in what counties	3329	r167	162	330	319		469	530	413	139	
not to apply to Wood county									145		
actions to enforce, where brought									454, 413	135	
supplies defined	3330	r167	r62	330	319		469				
for services on	3329, r3330			330	r319		469		413	139	
for supplies, only applies in Douglas and Oconto counties									413		
when petition for, to be filed	3331			330	319		192, 469				
filing of claims for, in Fourth lumber district	3331		102				192, 266				
when work done on Wolf river									413		
levy of attachment, execution on, how made									378	139	
against boats, ships and vessels, affidavit for attachment	3351[4]			76							
remedy by attachment	3333			330	319		469		413	139	
taking of note not to waive lien	3335			330	319		469			139	
of one joint owner, for expenses of driving, etc	3337			141							
findings and judgment	3340			330	319		469				
staves and stave bolts subject to								530			
in actions to enforce, persons interested may become defendants; appeals by such parties and judgments thereon					273						
enforcement of, on logs cut to be banked on Chippewa river, etc			222		319		225				
on real estate; debts of deceased persons not to be lien after three years; exceptions				286							
when to attach to real property of owner	3314						319	466	275		
not to attach where relation of landlord and tenant exists	3314							466	275		
of employes for services	3315						312	536		321	
of subcontractors employes, etc., notice to be filed, etc	3315								333	321	
fees for scaling logs in fourth district a lien on	1743						266				
owner of stallion or jackass when to have a, on colt								441	468	333	
liquor to file claim with clerk of city, village or town where owner resides										333	
extended to architects, civil engineers or surveyors	3314							442			
same to subcontractors of subcontractors	3315							535		321	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
LIENS—(See judgments)—Continued: same to persons engaged in mining, smelting, etc., for labor, etc									448		
LIFE CERTIFICATES: for teachers in certain cases					r308		205				
LIFE INSURANCE COMPANIES—(See Insurance Companies; Assessment Life Ins. Co.'s:) fraud on, act to prevent											233
respecting license of, duties of commissioner of insurance	1947, 1948, 1949							546			
to pay final judgments rendered against within 90 days thereafter; penalty for failure									480		
not to discriminate between individuals of same class and expectancy in making contracts										207	
insurance commissioner may revoke license for; proceedings on										207	
LIGHT ARTILLERY, BATTERY OF: providing for organization, muster and payment of a							304				
LIGHT HORSE SQUADRON, OF MILWAUKEE: authorized to borrow money from trust funds to build arsenal and armory							210				
to issue bonds to pay loan							210				
state may use arsenal, when							210				
military companies may, on payment of rent							210				
governor to decide matters of dispute relating to use of							210				
relating to pay, subsistence, etc., of							304				
LIGHTNING: fire insurance companies authorized to insure against loss or damage by						44					
LIME: [illegible]; legal weight of bushel of	1665			121							55

[illegible] ACTIONS—(See Lands Sold for Taxes; Actions):											
for testing validity of change of county seat				139							
on official bonds, etc											268
LIMITED:											
corporate name not illegal because of omission of the word							256				
LIMITS:											
of the city of Milwaukee, to enlarge and extend the corporate					272				56 450	449	
LINCOLN:											
town of, Trempealeau county, authorized to borrow from trust funds of state			282								
town of, to legalize a certain special election in						22					
town authorized to donate certain money to Trempealeau county						22					
town of, Polk county, authorized to borrow money from trust funds to aid in building a railroad, condition of loan							143				
LINCOLN COUNTY:											
municipal court for, part of act repealed								239		71	65
amending act of 1875, for division of, to create county of Taylor		69									
division of, to create county of Price	5	103									
liens on logs and timber in	3329 3330	r167	r62	330	319		409	530	145		
boundaries of certain towns in, changed; new town organized		170									
record of Prospect Park in legalized											20
boundaries of certain towns in, changed				116							
action of the board of supervisors legalized			88								
authorized to borrow from trust funds of state			280	314							
to appropriate proceeds of sale of swamp lands in, to extinguishment of its railroad indebtedness				314		260	331				
boundaries of, changed	5					74					
authorized to build a bridge across Wisconsin river						201					
authorized to fund its indebtedness						239					
state road on line between Marathon county and						281					
state road in, from Kewaunee county			11								
relating to terms of circuit court in				5	157		3			8 41	
creation of Oneida county from							411				
lands mentioned in section 2 of this act not to be taken into account on settlement with Marathon county								152			
same, Forest county from, and Langlade and Oconto counties							436				
legalizing acts of county board of, and Oneida county, and amending chapter 411, laws of 1885, relating to								153			
legalizing certain acts of board of supervisors and clerks of, in aid of Merrill and Abbotsford Railroad Company								152			

Subject Matter of Law	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
LINDEN TOWN MUTUAL FIRE INSURANCE COMPANY:											
Iowa county; acts of, legalized			310								
LINDENMANN, JOSEPH, ET AL.:											
dam across Oak creek, Milwaukee county										170	
LIQUORS—(See Intoxicating Liquors):											
to prevent adulteration and fraud in		248									
analysis of; (See Analyst).											
license fee regulated for sale of, by population	1548										286
may be sold on fair grounds	1413										250
LIS PENDENS:											
notice of, to be filed in case of every application made for laying out, widening any streets, alleys, water channels, parks or other public places or for vacation of same, at or prior to filing such application with proper officer, in office of register of deeds, of proper county							237				
to be filed in proceedings for acquiring land by right of eminent domain	3197						426				
notice of, how discharged											19
LISBON:											
town of, Juneau county, authorizing justices of the peace elected in, to have offices in village of New Lisbon			251								
authorized to aid in construction of a bridge across Wisconsin river						183					
LISBON—MILWAUKEE PLANK ROAD COMPANY:											
amending charter of								351			
LITTLE BEAR CREEK:											
dam across, Barron county							236				
dam across, Oneida county									485		
LITTLE BLACK RIVER:											
Taylor county, dam across						280		377			

LITTLE BUTTE DES MORTS LAKE:
protection of fish in 697

LITTLE CHIEF RIVER:
Chippewa county, dam across 143
Sawyer county, dam across 445

LITTLE EAU PLEINE RIVER:
Marathon county, dam across 13 93

LITTLE ELK RIVER:
Price county, dam across 241

LITTLE FALLS:
town of, Monroe county, part of town of Melrose, Jackson county, attached to ... 5 194

LITTLE MUSKEGO LAKE:
preservation of fish in 49
penalty for violation, section 3 49

LITTLE SOMO RIVER:
dam and lock in and across, Lincoln county 398

LITTLE WOLF:
town of, Waupaca county, authorized to borrow money from trust funds of state 34
indebtedness of town limited 34

LITTLE WOLF RIVER:
Waupaca county, dam across 201
dam across 207
dam across 186
dam across 895
amending act of 1867 for dam across 188
amending chapter 159, laws 1873, extending duration of franchise 226

LITTLE YELLOW RIVER:
Wood county, dam across 88
canal between and Rocky Run authorized 261

LITTLEJOHN, N. M.:
appropriation to 529

LIVE STOCK—(See Liens):
relating to duty of town constables to impound, at large ... 776[3] 69
penalty for giving false pedigrees of 229
insurance companies may do business in this state, sections 1947 to 1955, R. S. 309
railroads must carry in mixed carloads, charges, liabilities, etc ... 1799 487

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
LIVE STOCK INSURANCE COMPANIES:											
may do business in this state, when, sections 1947 to 1955, R. S.								309			
Lloyd's principle of insurance authorized											230
LOAN AND BUILDING SOCIETIES—(See Mutual Loan and Building Societies):											
LOANS—(See Commissioners of Public Lands; Trust Funds):											
LOCAL FIRE INSURANCE COMPANIES:											
may be organized, powers, etc								305	211	206	
LOCAL OPTION:											
when question of may be submitted									521	327	
LOCOMOTIVES:											
to regulate speed of and trains in cities and villages										467	
killing stock or setting fire by, notice of claim for damages to be given											202
LODI:											
fishways in dams in town of				r306	47						
LODI UNION AGRICULTURAL SOCIETY:											
appropriation to		75									
LOG DRIVING—(See Liens):											
on Elk river, Price county				143							
on Little Yellow river, Wood county						88					
LOG MARKS:											
recording of, regulations concerning; duty of owners	1738								441		
in sixth district						r207			441		
ownership of, on Chippewa river											272

LOGS, TIMBER, LUMBER, CORDWOOD, TIES, POLES, Etc.—(See Log Driving; Lumber Districts; Liens; Supplies):
actions to enforce liens on, where brought ... 3329 ... 454
town board may prohibit setting fire to, or brush in their towns; penalty ... 848
corporations for improving streams, driving logs, etc.; powers of ... ch. 86 ... 279
may hold stock in, or unite with similar corporations on same stream ... 89
may hold in any similar corporation ... 1775 ... 189 ... 253
may overflow lands and exercise right of eminent domain ... 318
where assessed for taxation ... 1046 165 ... 253 354 ... 473 179
when drifted on shore, when and how removed; (See Floats) ... 1600 ch. 70 ... 252
liens upon, for labor, etc., to have precedence over other claims; how enforced, etc. ... 469 530 413 139
repealing secs. 1, 2, 3, 4 and 7, of chapter 413, laws of 1889, but not to affect existing rights ... 139
attachments and executions on, how levied ... 878 139
wrongfully cut; costs in action founded thereon ... 2922 ... 147
measures of damages in action to recover possession ... 4260 ... 239 ... 95
penalty: for throwing slabs, etc., into the Wisconsin river ... 314
for throwing sawdust, etc., into navigable lakes or bays ... 184
for obstructing streams, by banking or browing logs thereon ... 220
for driving nails, etc., into logs ... 4451 ... 94
larceny of; punishment ... 4449 ... 295
of standing timber ... 170 ... 397
converting, wrongfully severed, to one's own use ... 397
scaling of logs in Ninth lumber district ... 214
recording log marks in sixth lumber district ... r267 ... 441
repeal of chapter 267, 1883, and new regulations adopted for marking and recording log marks ... 1738 ... 441
penalty for fraudulently scaling or reporting the same ... 290
fees for scaling in fourth district, a lien on ... 1743 ... 266
booming and rafting of, at Beef Slough, and fixing charges therefor ... 215
assessment of, taxation of non-residents ... 473
cut in this state within six months prior to April 1st of the year of assessment, where to be assessed ... 473

LONG LAKE:
Bayfield county, improvement of ... 278 294

LONG LAKE RIVER:
Burnette county, dam across ... 223

LORAINE:
town of, Polk county, authorized to borrow money from trust funds of the state ... 278

LOST CREEK:
Sawyer county, act to improve ... 296

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
LOUNSBURY, J. C.: appropriation to											227
LOYAL LEGION OF U. S.: penalty for wrongfully using or wearing insignia or rozette of									360		
LUCK: town of, Polk county, authorized to borrow from trust funds of the state		109									
LUMBER: where assessed for taxation											179
LUMBER AND BUILDING COMPANIES: to give written evidence of indebtedness to employes when payment of wages deferred; penalty for neglect or refusal										490	
LUMBER INSPECTION DISTRICTS: fourth; office of inspector to be in village of Marinette	1733						266				
scaling logs in	1743						266				
sixth; recording of log marks in						207					
ninth; scaling of logs in					214						
tenth; altered to create fourteenth	1730				193						
thirteenth; created; office of inspector	1730 1733			225	193						
fourteenth; created; office of inspector	1730 1733				193						
fifteenth; created; office of inspector	1730 1733						113				
sixteenth; created; office at Tomahawk									397		
LUMBER INSPECTORS—(See Lumber Inspection Districts): duty of, recording log marks									441		
LUNDBERG, KESANDER: and another to build a pier in Green Bay, Door county				210							

LYNDE, TILLY: city of Milwaukee authorized to pay certain claims of, for improvement of certain streets in							406				
LYNDON: town of, Sheboygan county, authorized to borrow from trust funds of state			53								
LYNXES: when may be poisoned	1620	106		150							
bounties on, repealed	1626, 1627, 1628, 1630	254									
bounty on				150		116					
McCLOSKEY, HENRY F.: appropriation to						279					
McCROSSEN, ET AL.: may build dams and improve Montreal river, Ashland county										306	
McDERMOTT, WILLIAM: acts of, as notary public legalized		14									
McDONALD, ARTHUR: appropriation to									504		
McDONALD, J. R.: acts of, as justice of the peace legalized					264						
McEACHAM, ARCHIBALD: to build pier in Sturgeon Bay, Door county				171							
McGREW, J. B.: appropriation to				4							
McGUIRE, PATRICK: to establish and maintain a ferry across Lake St. Croix, at Hudson					275						
McINTIRE, JAMES: to build piers, booms, etc., in Saint Louis river, Douglas county				209							
McKINLEY AND EVANS: town of Flambeau, Chippewa county, to pay judgment in favor of					231						
McMILLAN, GEORGE B.: appropriation to			61								

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MACHINERY:											
to prevent interference with the use of, operation of								427	275		
lien on, furnished	3314										
MACKFORD:											
town of, Green Lake county, relating to old cemetery in			52								
MADISON, CITY OF:											
justices of the peace elected in, to have offices in any part of the city		214					147				
city charter of amended			r322	r340	36	244	195 306	209	244	266 319	
to detach certain territory from, and attach same to town of Madison						244					
to detach certain territory from town of, to city for school purposes							362				
board of education of, authorized to borrow money from trust funds								410			
may build new city hall, issue bonds, exempt property of opera house in, from taxation									362		
MADISON, TOWN OF:											
part of, added to city for school purposes											324
joint school district in, boundaries of changed											309
MADISON GYMNASTIC ASSOCIATION:											
charter of, amended			73								
MADISON, WATERTOWN AND MILWAUKEE PLANK ROAD COMPANY:											
may discontinue, relocate or sell portion of its road								381			
MAGISTRATES:											
duty of, relating to payment of fines, etc	4772						117				
MAGNOLIA:											
town of, Rock county; proceedings of a school meeting in, legalized						108					
MAHONEY, GEORGE R.:											
acts of, as deputy clerk of city of Milwaukee, legalized			51								

MAINE:
town of, Outagamie county, to build a bridge across Wolf river 172

MAINE, GEORGE:
appropriation to 88

MANDAMUS:
in proceedings by, against boards of canvassers, supreme court may go behind returns 3452 231

MANITOWOC:
city of, authorized to borrow from trust funds of state 172
city of, authorized to borrow money and issue bonds to build sewers 79
same to build bridge 114
city charter of, amended ..... 186 ..... 309 ..... 259 ..... 95, 275
boundaries of, extended 275
justices of the peace elected in Second and Fourth wards of, to keep office in either ward 401 286
same as to those elected in First and Third wards 286

MANITOWOC COUNTY:
act of 1866 conferring further jurisdiction on county court of, repealed 20
relating to certain swamp and overflowed lands in; commissioners and their duties 78 119 359 431 480
the trust relating to swamp lands in, revoked, and lands reclaimed by state; drainage and sale
commissioners of public lands to ascertain amount due on sale of swamp lands 320
to enable commissioners of public lands to carry out provisions of ch. 355, laws of 1885 431
terms of circuit court in 63 5

MANITOWOC RAPIDS MUTUAL FARMERS' FIRE INSURANCE COMPANY:
acts of, legalized 130

MANUFACTURING CORPORATIONS – (See Corporations):

MANUFACTURING ESTABLISHMENTS:
doors of, to swing outward 190
to provide communication between engine and operating rooms, when 226

MANUFACTURERS' STOCK:
when assessed 1040 473

MAPS:
Wisconsin; purchase of 700 copies of Nicodemus and Conover map authorized. 56
sale of Nicodemus and Conover maps provided for 90
to be sold to school districts, etc 86

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MAPS—Continued:											
appropriation for purchase of certain				178							
appropriation to pay for certain railroad					161					447	
to provide for annual publication of a railroad map						258		22	373	256	
recording of, and plats Milwaukee county									460		
MARATHON CITY:											
village of, authorized to sell certain land in								324			
deed to be executed by president and clerk of								324			
MARATHON COUNTY:											
amending act of 1875, for division of, to create Taylor county		69									
amending act of 1878, for state road in, to Wausau		r104	24								
establishment of municipal court in and for		115			79						
preservation of trout in		166		122							
liens on logs and timber	3329 r33.0	r167	r62	320	319						
when state taxes to be paid by county treasurer of	1121	202									
amending act of 1878, for state road in, to Knowlton		226									
authorized to aid in railroad construction					100						
relating to swamp lands in			261		135	232	62				
to declare true intent of chapter 22, of general laws of 1867, relating to the conveyances to state of lands sold for taxes in						83					
state road on line between Lincoln county and						281					
terms of circuit court in					179		8			8 41	
county clerk of, to execute tax deeds to state, effect of same, limitation of actions to invalidate							301				
legalizing certain acts of the board of supervisors and clerk of, in aid of Merrill & Abbotsford Railroad company								152			
lands mentioned in section 2 of this act not to be taken into account in settlement with Lincoln county, section 3								152			
authorized to establish insane asylum											[illegible]

MARATHON COUNTY—Continued:
drainage of certain lands in 253
to perfect title of state to certain lands granted by, to state, duty of attorney general and county clerk 74

MARATHON:
town of, may levy tax to pay for right of way of Merrill & Abbotsford railway through its town 529

MARENGO RIVER:
Bayfield county, dam across 385

MARINETTE:
city of, incorporated 119
charter of, amended 183, 384, 162
town of, authorized to issue bonds to build bridge 91
repealed 474

MARINETTE COUNTY:
creation of 5, 114
made part of Fourteenth judicial circuit 2423, 288
boundaries changed to create Florence county 5, 165
terms of circuit court in 2424, 8, 169, 252, 82, 355
to discontinue certain state road in county of, and Oconto 169
town of Amberg in, created 161
relating to amount due for sale of swamp lands in, under chapter 90, laws 1885 492
town of Grover in, organized 80

MARINETTE HIGH SCHOOL:
appropriation to 14

MARION:
town of, Juneau county, authorized to aid in construction of a bridge across Wisconsin river 186

MARQUETTE COUNTY:
relating to amount due for sale of swamp lands in, under chapter 90, laws 1885 492
appointment of fish warden for 297
changing June term of circuit court in 238
terms of circuit court in 6
price of certain public land in, reduced 365

MARRIED PERSONS:
exemption of, and other persons who have to provide for entire support of a family in this state who have no homestead 2083, 1317, 141
chattel mortgage on household furniture where mortgagor is a, invalid unless signed by wife 2313, 218, 268

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws - Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MARRIED WOMEN:											
husband or other person may insure lives for benefit of	2347								271	376	
may insure life of husband, son or other person	2347									376	
coverture not to disqualify a, from acting as general guardian, executrix, etc	3993								68		
right of redemption from tax sales	1181	194									
lands of, sold for taxes to county, when liable to taxation, and who to purchase at tax sale	1191	194									
may be proceeded against as unknown owners of lands sold for taxes	1208	194									
release of dower by insane wife	2225	194					865				
may sue in own name for injury to person or character	2345			99							
insanity of, a ground for divorce	2356			†207	230						
husband not liable for personal torts of wife						52					
being attorney of court of record may be court commissioner, assignee, receiver, etc										34	
MARSHAL:											
may be elected at annual village charter election	875								16		
MARSHFIELD:											
city of, incorporated						220					
charter amended								274		100	
MARSHLAND:											
town of, Burnett county; portion of, attached to town of Veazie, Washburn county						172					
MATERIAL, BUILDING:											
liability of contractors, etc., for using otherwise than represented for which credit has been obtained									333	321	
MATERIAL MEN:											
in city of Milwaukee, protection of					261						
MAUSTON:											
city of, incorporated						177		147			

charter amended								308	29		
village of, Juneau county, authorized to aid in construction of a bridge across Wisconsin river						180					
MAY, ROBERT:											
appropriation to			163								
MAYVILLE:											
city of, incorporated							130				
charter of, amended								111	198		
MAYVILLE, TOWN OF:											
town of Hoard created out of									110		
MAYVILLE UNION SCHOOL DISTRICT:											
Dodge county, extending time for payment of loan from school fund to			2								
charter of, amended			24								
MEAD, WILLIAM H.:											
appropriation to										209	
MEARS, CHARLES E:											
and another, to maintain a ferry across St. Croix river, at Osceola Mills			320								
MEAT:											
penalty for sale, transportation or packing of stale, unwholesome, etc										431	
MEASURE OF DAMAGES:											
in actions to recover possession of logs, timber or lumber wrongfully cut	4269				239				95		
when defendant in action to serve affidavit on plaintiff									95		
MEASURES AND WEIGHTS—(See Weights and Measures):											
standard weight of farm products	1665			121							
MECHANIC ARTS:											
department of, in university; publication of report of				124							
one per cent. of railroad license tax, etc., appropriated to support of; courses added									282		
MECHANICS' LIENS—(See Liens):											
MEDFORD, CITY OF:											
incorporated									171		
MEDICAL DEPARTMENT:											
of Wis. Nat. Guard, how organized—sections 10-18											298
MEDICAL PRACTITIONERS—(See Physicians and Surgeons):									171		

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882	1883.	1885.	1887.	1889.	1891.	1893.
MEDICAL SOCIETIES: may be formed by physicians and surgeons not less than one from each of fifteen adjoining counties	1430							243			
MEDICINE—(See Pharmacy): to prevent adulteration of			269								
MEIKLEJOHN, JAMES: dam across Little Wolf river, Waupaca county										186	
dam across Embarrass river, Shawano county											207
MELROSE: town of, Jackson county; to detach certain territory from, and attach same to town of Little Falls, Monroe county	5					194					
MELVIN, LOUIS A., MRS.: appropriation to										459	
MEMORIAL TO CONGRESS—(See Joint Resolutions and): how printed											1
MENASHA: city charter of, amended			217		63			310	225	123	
town of, authorized to hold its elections and town meetings in city of Neenah					66						
MENDOTA LAKE: Dane county, preservation of fish in						80	228				
MENOMINEE RIVER: bridge across at Marinette											153
drainage into, in Milwaukee forbidden											255
MENOMONEE: city of, incorporated					102						

city charter of, amended						84		129 207	151	144	
may issue bonds or borrow from trust funds									94		
may borrow money to pay for Red Cedar bridge										173	
may appropriate state loan fund in treasury for city building										188	
MENOMONIE RIVER:											
Florence county, bridge across									489		
MEQUON:											
town of, Ozaukee county; relating to apportionment of certain school moneys in			43								
MERCHANTS AND MANUFACTURERS:											
stock of, how assessed	1033						1217				
above repealed								[illegible]			
stock of, where assessed										473	
MERCHANTS' AND MECHANICS' SAVINGS BANK:											
of city of Janesville; reduction of capital stock of					19						
MERRILL:											
name of town of Jenny, Lincoln county, changed to				116							
certain territory attached to											
city of, incorporated						5			153		
city charter of, amended						191	2 33	15 533	31 229	42	
MERRILL & ABBOTTSFORD RAILROAD COMPANY:											
legalizing certain acts and proceedings on part of Lincoln and Marathon counties in aid of								[illegible]			
town of Marathon may levy tax of $600 to pay for right of way of, through its towns								529			
MERRIMAC:											
to vacate part of state road in town of, Sauk county								425			
MESHES:											
of nets used in Lake Michigan, Green Bay and Lake Superior; regulation of size of	[illegible]	122						520			
same of Lake Superior										221	
MESSENGERS:											
employed by legislature, to provide stationery and postage stamps for					25						
compensation of											202

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
METHODIST EPISCOPAL CHURCH:											
all hereafter organized in accordance with ch. 379, P. & L. 1868, to be valid corporations	1997						385				
members of, may form insurance corporation, powers, duties, etc									346		
MEYER, H. J. L.:											
acts of, as deputy clerk of city of Milwaukee, legalized			51								
MILCH COWS:											
penalty for cruelty to									208		
MILLINERY PURPOSES:											
to prevent the killing of birds for								413			
MILITARY BANDS:											
how organized											293
MILITARY OFFICERS—(See Wisconsin National Guard):											
lost commissions of, when duplicated		184									
MILITARY ORGANIZATIONS:											
land belonging to, exempt from taxation	1068[19]						376				
how organized, militia laws revised											293
MILITARY ROAD:											
Fort Howard, Green Bay and Michigan state line, declared public highway											81

MILITIA - (See Wisconsin National Guard):											
to be known as Wisconsin National Guard	ch. 34	208					231				
laws relating to revised and consolidated											292
MILK:											
penalty for selling or bringing for sale or manufacture, diluted or adulterated, etc								157	425	165	
proof of adulterations, how made								157	425		
establishing a minimum standard for merchantable									425		
penalty for failure to have cow properly milked									208		
MILLER CREEK:											
dam across, Barron county								231			
MILLERS' AND MANUFACTURERS' MUTUAL INSURANCE CORPORATIONS:											
relating to, and amendatory of								5			
when may do a general business								94			
when may avail themselves of benefits of section 8, of this act, section 11									524		
MILLET SEED:											
legal weight of bushel of				121							
MILLSTON:											
detaching territory from, and established town of Knapp									108		
MILLTOWN, TOWN OF:											
authorized to borrow portion of trust funds of state, to aid in building railroad; conditions of loan							143				
MILWAUKEE CHAMBER OF COMMERCE:											
charter of, amended		102	150								
MILWAUKEE, CITY OF:											
authorized to purchase and use steam roller and stone crusher		58									
amending act of 1878, for establishment of a public library in		152						521			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MILWAUKEE, CITY OF– Continued:											
									19	.....	.....
									25	66	.....
									30	73	.....
								23	35	74	.....
								36	36	75	.....
								37	56	107	.....
								.....	.....	108	.....
								.....	.....	120	.....
								38	117	122	.....
								54	136	141	.....
								55	159	180	.....
								205	161	181	.....
								248	170	183	.....
				65				336	182	189	.....
				181		8	196	337	188	190	.....
charter of, amended	.....	224	245	206	216	210	378	342	191	254	.....
		227	268	235	308	272	391	359	224	312	.....
			278	254	324	307	405	362	231	316	.....
				274		308	460	416	243	328	.....
				294		310	470	420	258	372	.....
								421	290	375	.....
								430	301	386	.....
								459	303	426	.....
								462	318	437	.....
								468	323	449	.....
								483	349	479	.....
								489	352	68	.....
								498	374	80	.....
								524	398	90	.....
									402	91	.....
									437	102	.....
									528	13	.....
relating to public schools of, school board duties, teachers, etc.	.....	.....	.....	.....	.....	.....	.....	.....	80	.....	.....
authorizing publication of charter, ordinances, etc., in book form	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

registry of electors at charter elections in r233 r36 65 350 21
to regulate, control and govern election primaries in 459
in new wards, spring election, 1887 39
levy of special tax authorized in, Tenth ward 13
Ninth ward 14
Second ward 15
Bay View sewerage district 201
same 68
for defraying expenses of National encampment, G. A. R 11
duties of assistant city attorney defined 188
appointment of water registrar, duties, etc 258
acts of certain specified deputy clerks legalized 51
relating to police force in 483
fixing salary of chief of police 55 462
of officers of fire department 419 186
of aldermen 150
of city treasurer 161
of tax commissioner and deputy ..... 223 / 191
of city clerk 303
of deputy 419 189
of comptroller 352
of deputy 375
of mayor 349
relating to payment of persons employed by 19
city treasurer may appoint deputies; city to be divided into districts 161
bridge across Milwaukee river 182
same at points in Thirteenth and Eighteenth wards 120
ratifying and legalizing sewer plans of 67
when council may act on matters referred to local committees 117
mayor may fill vacancies in office of aldermen 318
fees of police officers in 187
promotion of public health in 56 206 301
penalty for depositing filth, etc., in river or sewer 206
duties of health commissioner and of board of public works 206
erection of pipes, pumping works, etc 206
common council to levy tax 206
taking property for streets and other purposes 524 224 312
board of public works need not give notice to owner of lands assessed for benefits in such proceeding 312
all work and purchase of supplies and material, including printing, to be let by contract, when 437
improvement in Menomonee valley, in Eighth and Sixteenth wards and abatement and removal of nuisances therein 479
to issue $50,000 bonds for market purposes 311
time for enforcement of act may be extended 206
for establishment of an additional normal school in 299
to provide for a public park in Fifth ward of 85

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MAPS—Continued:											
appropriation for purchase of certain				178							
appropriation to pay for certain railroad					161					447	
to provide for annual publication of a railroad map						258		22	373	256	
recording of, and plats Milwaukee county									400		
MARATHON CITY:											
village of, authorized to sell certain land in								324			
deed to be executed by president and clerk of								324			
MARATHON COUNTY:											
amending act of 1875, for division of, to create Taylor county		60									
amending act of 1878, for state road in, to Wausau		r104	24								
establishment of municipal court in and for		115			79						
preservation of trout in		166		122							
liens on logs and timber	3329 r33.0	r167	r63	320	319						
when state taxes to be paid by county treasurer of	1121	202									
amending act of 1878, for state road in, to Knowlton		226									
authorized to aid in railroad construction					100						
relating to swamp lands in			261		135	282	62				
to declare true intent of chapter 22, of general laws of 1867, relating to the conveyances to state of lands sold for taxes in						83					
state road on line between Lincoln county and						281					
terms of circuit court in					179		8			8 41	
county clerk of, to execute tax deeds to state, effect of same, limitation of actions to invalidate							301				
legalizing certain acts of the board of supervisors and clerk of, in aid of Merrill & Abbotsford Railroad company								152			
lands mentioned in section 2 of this act not to be taken into account in settlement with Lincoln county, section 3								152			
authorized to establish insane asylum											

mayor and city clerk to sign, and comptroller to countersign, a certain city order in favor of A. B. Gellfuss, and to provide for payment of same 144
authorized to issue bonds to be known as bridge bonds 154
to allow certain claims contracted by departments in excess of funds, and authorizing levy of a special tax ther for 321
to raise special tax in west sewerage district 207 382 176
same in south sewerage district 89
Firemen's Relief Fund Association of, organization of 176
duties of city treasurer of, respecting, section 2 176
who eligible as members, section 3 176
Policemen's Relief Fund Association of, organization of, and duties of officers, etc 187
may pension widows and children of members of police and fire department of 202
to vacate a certain alley in 214 134 292
to divide Eleventh ward of, and create Fourteenth, election of aldermen in, etc 398
to pay balances due assessors of, for 1883 393
to pay certain claims of Duchon & Kropf, Wm. Klocksin and F. Andres & Co., for work on the fifth school building 400
to pay claims of Tilly Lynde for improving certain streets in Second and Ninth wards of 406
common council of, authorized to confer certain powers on mayor of 410 408
action of mayor on licenses final 408
authorized to credit, audit and allow claims of assessors in 4th, 14th, 15th, 17th and 18th wards 78
authorized to pay claim of James Hoye for paving Erie street, in 429
authorized to raise special tax in south sewerage district of ..... 429 {455 12 / 519 97}
authorized to assess and relevy certain assessments for water pipe in, when declared void 433
authorized to maintain dam across Milwaukee river 434
authorized to lease certain premises for an industrial exposition 461
to provide for laying out and establishing a state road from the, to Port Washington 462
relating to public schools of, repairs, donation of sites, etc 65 421
repeal of section 5, chapter 65, laws 1881, relating to donation of sites, etc 421
to legalize action of common council of, changing name of Notre Dame, subdivision in 34
creating Fifteenth ward in 36
Sixteenth 38
Seventeenth, and annexing village of Bay View to 37
vacating a certain alley in, in block 69 134
relating to fire department of 336
to regulate pawnbrokers, loan brokers, keepers of loan offices, junk shops and dealers in second hand goods 337
disposal of garbage and other refuse matter 472
may employ veterinary surgeon 342
manner of conducting elections in 350 21
appointment of inspectors and clerks of 442
uniformity of ballots in cities of 150,000 or more, relating to 475

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MILWAUKEE, CITY OF—Continued:											
penalty for peddling election tickets in city of 150,000 or over										178	
appropriation to pay assessment against lands of Industrial School for Girls in									418		
establishing public parks in, mayor to appoint commissioners; duties; may take land for parks, issue bonds									488		
may issue bonds to purchase and improve parks										92	
relating to sale of ice in, for drinking and eating purposes, where to be cut, penalty								361			
sprinkling streets in					324			420		372	
to issue bath bonds for construction of bathing places in								491			
to issue bonds to be known as water bonds								428			
same for purchase of school sites and erection of schoolhouses										108	
same to build schoolhouses, relating to issuance of, etc									148		
to issue intercepting sewer bonds								494			
city attorney to prosecute city cases in municipal court in	2507									228	
to vacate part of an alley in the Thirteenth ward of										304	
to issue bonds known as Milwaukee River Dam bonds								447			
to issue bonds for viaduct								r476	r231	122	
declaring certain avenues in, pleasure ways or boulevards, and to regulate use of same								550		426	
authorizing appointment of inspector of buildings in								459			
authorizing laying out highway and building viaduct across Menominee river, C., M. & St. P. R'y to unite with								r476	r231	122	
salary of city assessor								480		26	
may issue bonds for completion of Menominee special sewerage works								494			
change of venue in circuit and county court, when a party								419			
authorized to issue bonds for construction and repair of public schools, bridges and sanitary purposes							405				
authorized to change the grade of certain streets										254	
may issue bonds known as bridge repair and reconstruction bonds										107	
to levy annual tax to pay interest, etc							405				
authorized to issue bonds for school purposes and levy tax to pay interest, etc								381			
may issue $100,000 for public parks									488		
may issue $100,000 water department construction bonds									419		
may issue $50,000 library bonds									400		

MILWAUKEE, CITY OF—Continued:

may issue bonds for public library and museum										98	
may issue $50,000 of bridge bonds									377		
same $150,000										223 411	
legalizing plat of Terrace Place in									259		
same of Woodland Court in									322		
same of plat in Dousman's subdivision										53	
may remit taxes of Layton art gallery for 1888									160		
may build bridge across Milwaukee river in city (amending ch. 184, laws 1874), may levy tax, etc									183		
proceedings, etc., of council of, may be published in Polish language										66	
authorized to pay Bond and Chase a sum of money											48

MILWAUKEE COUNTY:

regulation of factories in which carcases of dead animals are used	1418	18									
superior court established in								125		67	
supervisors to provide quarters for court room for superior court No. 2										325	
additional judge added										67	
county court phonographic reporter authorized										184	86
relating to resignation of judge, governor may fill vacancy, terms of court in									24		
legalizing acts of board of supervisors of, in vacating alley in block 288, in city of Milwaukee										117	
when assessment roll for, may be corrected										190	
municipal court of city and county; jurisdiction of and powers of judge	2499	256									
provisions of law relating to circuit courts in crimes and misdemeanors, applicable to; practice	2500	256									
to have powers formerly vested in police justice	2501	256								265	
may grant continuance, etc	2501	256									
when clerk may issue warrants	2501	256									
power to commit or bail over	2511	256									
justice of the peace may temporarily discharge the duties of judge of	2511	256									
judge not to be absent more than six weeks in one year	2511	256									
when circuit or other municipal judge may hold court for	2511	256								294	
grand juries, how drawn and summoned	2507					103					
district attorney to prosecute criminal cases in	2507					103					
change of place of trial	2509					208					
salaries of judge and clerk of municipal court of, how payable	2513	200						378		338	
act relating to salary of judge and duties and compensation of clerk and deputies	2505 2506 2513										257
terms of county court in	2469	225		18 276				125			
certain powers and jurisdiction of, transferred to superior court								125			
when city or, party in circuit or county courts on application for change of venue judge may request judge of adjoining circuit to hold court								419			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882	1883.	1885.	1887.	1889.	1891.	1893.
MEDICAL SOCIETIES: may be formed by physicians and surgeons not less than one from each of fifteen adjoining counties	1430							242			
MEDICINE—(See Pharmacy): to prevent adulteration of			262								
MEIKLEJOHN, JAMES: dam across Little Wolf river, Waupaca county										186	
dam across Embarrass river, Shawano county											207
MELROSE: town of, Jackson county; to detach certain territory from, and attach same to town of Little Falls, Monroe county	5					194					
MELVIN, LOUIS A., MRS.: appropriation to										459	
MEMORIAL TO CONGRESS—(See Joint Resolutions and): how printed											1
MENASHA: city charter of, amended			217		63			310	225	123	
town of, authorized to hold its elections and town meetings in city of Neenah					66						
MENDOTA LAKE: Dane county, preservation of fish in						80	228				
MENOMINEE RIVER: bridge across at Marinette											153
drainage into, in Milwaukee forbidden											955
MENOMONEE: city of, incorporated					102						

recording of plats and maps in ..... 6 .....

submerged land granted to, for park, etc..... 197, 806

Grand avenue, to be made a boulevard 113

MILWAUKEE AND BELOIT RAILROAD CO.:
franchise extended and continued in force ..... 91 .....

MILWAUKEE AND BROOKFIELD MACADAMIZED TURNPIKE CO.:
charter of amended..... 8 .....

MILWAUKEE AND CEDARBURG PLANK ROAD CO.:
width of roadway to be maintained by ..... 389 .....

MILWAUKEE AND DUBUQUE RAILROAD CO.:
confirming certain purchases by, and conveyances to..... 484 .....

MILWAUKEE AND IOWA RAILWAY COMPANY.:
confirming sale and transfer of franchises, etc., of..... 484 .....

MILWAUKEE AND MADISON RAILWAY COMPANY:
relating to right of way of, used in crossing land of state occupied by industrial school for boys..... 284 .....

MILWAUKEE AND ROCK RIVER CANAL COMPANY:
authorized to grant and convey its property and franchises to the city of Milwaukee ..... 91 .....

MILWAUKEE COUNTY INSANE ASYLUM:
relating to printing report of..... 308 ..... 526 309 .....
additional copies may be ordered..... 309 .....
governor to appoint trustees of..... 514 330 .....
county treasurer to act as treasurer of ..... 526 ....
name of, changed to Milwaukee Hospital for the Insane..... 376 .....

MILWAUKEE COUNTY ORPHANS' BOARD:
moneys received by, how invested..... 372 .....

MILWAUKEE GAS LIGHT COMPANY:
capital stock of, increased ..... 145 .....

MILWAUKEE HIGH SCHOOL:
granting of unlimited state certificates to graduates of normal department of, authorized..... 186 .....

MILWAUKEE HOSPITAL FOR THE INSANE:
name of Milwaukee County Insane Asylum changed to..... 376 .....

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MILWAUKEE HOSPITAL FOR THE INSANE—Continued:											
report of									526	309	
MILWAUKEE INDUSTRIAL EXPOSITION ASSOCIATION:											
exempting property of, from taxation								160			
appropriation to							450				
city of Milwaukee may lease grounds to							401				
MILWAUKEE JOURNAL:											
laws, etc., to be officially published in	344									8	
MILWAUKEE MECHANICS' INSURANCE COMPANY:											
name of Milwaukee Mechanics Mutual Insurance Company changed to								20			
MILWAUKEE MECHANICS' MUTUAL INSURANCE COMPANY:											
charter of, amended			111			245					
changing name of								20			
MILWAUKEE NORTHERN PLANK ROAD COMPANY:											
act relating to											106
MILWAUKEE RIVER:											
bridge across, from 6th to 1st ward in, and issue $10,000 bonds therefor										228	
bridge across, in town of Farmington, Washington county; town of Fredonia, Ozaukee county, to raise a special tax for building				108	129		434				
dam across, Milwaukee city								361			
ice cut in, in city of, not to be sold; when											
city of Milwaukee may build bridge across, and levy tax to pay same, amending chapter 184, laws of 1874									182		
MINERAL POINT:											
city of authorized to borrow from trust funds of state		4								118	
town of, authorized to borrow from trust funds of state		8					17				
[illegible] may build [illegible] in any part of city							153				

MINERAL POINT RAILROAD COMPANY:
Iowa County Agricultural Society to donate certain lands to 113

MINES:
draining of; proceedings when ditches, etc., to be dug across land of others; appointment of commissioners, etc 283
employment of children under fourteen in, prohibited, except 109

MINERS:
lien to extend to, for services, etc 448

MINING, QUARRYING, ETC:
corporations organized for, to acquire and hold stock in another similar corporation 1775 70
Chicago, Milwaukee & St. Paul Railway Co. may hold stock in, corporations 213

MINING, SMELTING OR MANUFACTURING IRON, ETC.:
lien to extent to person for services, etc., in 448

MINIMUM PRICE OF PUBLIC LANDS:
to fix the, that have not been offered at public sale 332
to fix the, in Crawford county 428

MINNESOTA CENTRAL RAILROAD COMPANY:
to build a bridge across Mississippi river, at or near Red Wing 275

MINNESOTA SCANDINAVIAN RELIEF ASSOCIATION:
exempt from provisions of general insurance laws 534 477

MINORS - (See Children):
appeals from orders, judgments, etc., of county court, how taken by 248
plaintiffs in actions, who are, not required to give security for costs 258
prevention of cruelty to 230
sale of liquor to; penalty; revocation of license 1557, 1558 174
bonds of guardians of, how sued and conditions of 71
sale to and use by, of pistols and revolvers prohibited 329
providing for records of committment of, to industrial schools and orphan asylums 371
sale of cigars, cigarettes or tobacco to, forbidden, when; penalty 434
exclusion of, from certain trials, when 127
penalty for allowing, to play on pool or pigeon hole tables 406

MISSISSIPPI RIVER:
Minnesota Central Railroad Company to build a bridge across, at or near Red Wing 275
bridge across, city of Winona to build 274 97

Subject Matter of Law	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MISSISSIPPI RIVER—Continued:											
amending act of 1871 for a certain ferry across			190								
ferry across, at Alma, Buffalo county				241							
at point opposite Wabasha, in Buffalo county								32			
at Cassville, Grant county			223								
at De Soto				291							
city of Winona to maintain a			311								
protection of fish in lakes, bayous and sloughs of						62	407	375		436	
bridge across, at La Crosse									37		
bridge across, Buffalo county									90		
bridge across, at Winona								50			
bridge across, at Red Wing								11			
bridge across, at any point between La Crosse and Prairie du Chien								464			
ferry across, between Prairie du Chien and McGregor							207				
MOBS:											
liability of municipal corporations for injury to persons by								400			
MODERN WOODMEN OF AMERICA:											
exempt from provisions of general insurance laws								42			
MONDEAU CREEK:											
Taylor county, dam across		229									
MONDOVI, CITY OF											
incorporated									28		
MONEY:											
of city and county, deposit of											259
of cities under general incorporation act											312
MONEYS, DEPOSITORY FOR:											
of, paid into court									466		

Dane county; protection of fish in						89	228				
MONOPOLIES:											
and trusts, protection against											219
MONROE:											
city of, incorporated					238					271	
charter of, amended						126		105	220	271	
to perfect title to certain real estate in, and vest same in Lewis Davenport						133					
relating to a certain school district in village of						238					
MONROE COUNTY:											
to legalize acts of board of supervisors of, in paying bounties for destruction of foxes			140								
liens on logs and timber in	3329 3330	r167	r62	330	319						
repealing act of 1876 for protection of fish in Baraboo river			294								
preservation of fish in					88						
part of town of Melrose, Jackson county, attached to town of Little Falls in	5					194					
terms of circuit court in	2424			35						12 197	
to discontinue part of state road in, from Black River Falls, Jackson county, to Tomah							284				
same in town of Sparta								296			
to discontinue certain state road in									147		
MONTREAL RIVER:											
B. Heinemann authorized to construct dams, etc., on								68			
dam across, Ashland county								407			
dam across west branch, Ashland county										896	
MONUMENTS:											
to deceased soldiers, erection of, by county board	670				306						
on field of Gettysburg								48			
in capital park, erection of, permitted										285	
MOOSE RIVER:											
dams across, and St. Croix, town 45, range 18									446	111	
MORSE, J. F.:											
appropriation to		193									
MORTGAGES—(See Foreclosure):											
foreclosure of; order of sale, when subsequent installments are not paid	3159 2256	194				100					
when mortgagee required to discharge								323			
what sufficient reference to record entry of											

[Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MORTGAGOR—(See Chattel):											
of stock of goods retained in possession, out of which sales are made, must file statement of sales, etc., every sixty days, with custodian of mortgage, failure to file statement, mortgage to become due								241			
on satisfaction of chattel mortgage, certificate must be filed by, and mortgage removed from files								480			
of electric light companies, how executed											72
MOSES, W.:											
may maintain dam											136
MOTION:											
for new trial, petition what to state	4719								274		
MOULTON, HENRY Z.:											
appropriation to					58						
MOUNT HOPE CEMETERY ASSOCIATION:											
Brooklyn, Green county; organization and acts of trustees of, legalized		54									
MOWER, MARTIN:											
to ratify a certain sale of logs to			243								
MUNICIPAL BONDS—(See Bonds):											
denominations of new issues	960c			8							
MUNICIPAL CORPORATIONS:											
liability of, for injuries to persons by mobs, etc								400			
actions against, for injuries resulting from defects in highways, etc									471		
MUNICIPAL COURTS:											
when may order deaf mute or blind child sent to state institutions for care										331	
of city and county of Ashland									94 315		241
of city of Eau Claire; justice of the peace to act in case of absence or disability of judge of			10								

[illegible] Chippewa county											
of city and town of Ripon; jurors, how selected	2489		216						89		
time and place of holding court; powers of judge	2490		216								
salary of judge	2498		216								
fees of officers, how paid	2198		216								
jurisdiction of	2484				150						
city to pay expenses for blanks, stationery, etc	2494				150						
peremptory challenge of jurors in	2797				150						
change of place of trial	r2586				150						
for Barron county; created; election of judge, jurisdiction, etc			48								85
same, second municipal court for								107		87	
same, third municipal court for								168		417	
										96	
for Langlade county, created										278	
for Lincoln county, created								239		71	65
for Oneida county, created								312		249	
may appoint phonographic reporter										349	
may issue process in blank										349	
for Polk county, created										69	
of Dane county; salary of judge fixed at $3,000; how paid	2523		27								
salary of clerk									463	366	
defendant in criminal cases may take change of venue from, how										366	
in absence or disability of judge of, clerk may adjourn										366	
costs and fees collected by, to be paid over to city and county	2523		27								
for Douglas county, created								r497	181		112
for Douglas county									181	61	
for Dunn county, created								r63		136	
of city and county of Milwaukee; jurisdiction of, and powers of judge	2499	256									257
provisions of law relating to circuit courts in crimes and misdemeanors applicable to; practice	2500	256								265	
to have powers formerly vested in police justice	2501	256									
may grant continuances, etc	2501	256								265	
when clerk may issue warrants	2501	256								262	
any circuit judge or municipal, of equal jurisdiction may hold when	2511	256								294	
power to commit or bail over	2511	256									
justice of the peace may temporarily discharge duties of judge of	2511	256									
judge not to be absent more than six weeks in one year	2511	256									
relating of change of place of trial of actions on appeal from	2024						366				
grand juries, how drawn and summoned	2507					103					
district attorney to prosecute criminal cases in	2507					103				228	
appointment and salary of phonographic reporter	2506										195
city attorney to prosecute city cases in										228	
terms of court in										228	
change of place of trial	2509					103					
salaries of judge and clerk, how payable	2513	200						378		338	
of Chippewa county							381	510		295	
in Rock county; re-established; powers and jurisdiction; election and salary of judge; practice, etc				197	101			237		315	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MUNICIPAL COURTS—Continued:											
appeals from justices' or police justices, judgments may be taken to, or to circuit court								237		315	
judge may appoint phonographic reporter								237			
in city of Wausau and county of Marathon; established; jurisdiction; election of judge, etc		115			79						
MUNICIPAL ELECTIONS:											
voters to register at annual									499		
MUNICIPAL INDEBTEDNESS:											
provisions for in general incorporation act											312
MUNICIPAL JUDGE:											
when may order deaf mute or blind child sent to state institution for care										331	
powers of court commissioner conferred upon, of Barron county							189				89
same upon, of second municipal court, Barron county								167			91
same upon, of third municipal court, of Barron county								168			91
same upon, of Chippewa county								510			
same upon, of Langlade county										96 278	
same upon of Polk county										69	
Chippewa county, justice of the peace may act for, when									89		
eligibility of, Ashland									315		
MUNICIPAL SUBSCRIPTION:											
to railroad stock; notice of presentation to tax payers of petition for acceptance of proposition	946					333					
MUNICIPALITIES:											
may appoint registrar of vital statistics, when											229
MUNROE, W. S.:											
appropriation to						128					

relating to bail in case of 4794
who may admit person charged with, to 4793

MURPHY, M., ET AL.:
may build dam in Oconto river 199

MUSEUM:
establishment and maintenance of, in city of Milwaukee 328 433
trustees may appoint custodian and curator 433

MUSKRAT RIVER:
Eau Claire county, dam across 178

MUTUAL BENEFICIARY AND FRATERNAL CORPORATIONS, ETC., PROVIDING INSURANCE ON THE ASSESSESSMENT PLAN:
to regulate report to be made by, to commissioner of insurance, when may do business, etc 418
certain enumerated, not to be life insurance companies withing meaning of general laws 477

MUTUAL BENEFIT LIFE ASSOCIATION OF WISCONSIN:
exempt from general provisions of law relating to life insurance companies 94 477
to make report to insurance commissioner, etc 334

MUTUAL HAIL INSURANCE COMPANIES:
authorized to do business in this state 281
insolvent, claims against policy holders, how collected 293

MUTUAL HAIL INSURANCE COMPANY OF WISCONSIN:
charter of, amended 83

MUTUAL INSURANCE COMPANY OF ORDER OF HERMAN'S SONS OF WISCONSIN:
charter of, amended 2
not a life insurance company within meaning of general law 477

MUTUAL LIFE INSURANCE COMPANY:
charter amended 199 328

MUTUAL LOAN AND BUILDING SOCIETIES—(See Foreign B. and L. Ass'ns):
duration of existence unlimited 2009 93
capital stock; amount of shares 2010 1 127
loans, how made and enforced 2011 1
repayment of loans 2012 1
capital stock and securities of, exempt from taxation 2014 93

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
MUTUAL, RECIPROCAL OR CO-OPERATIVE ASSOCIATIONS:											
relating to formation of								126			
NAMAKAGON [NEMOKAGON] AND TOTOGATIC DAM COMPANY:											
to amend charter of								74			
to repeal ch. 452, laws 1869, granting rights on Nama' agon river								74	344		
NAMAKAGON RIVER:											
Ashland county, dam across						11					
Sawyer county, dam across							43				
Washburn county, dam across							75	154			
repeal of ch. 452, laws 1869							43 74	344	40		
NORODNI JEDNOTA SOCIETY, OF RACINE:											
relating to							458				
NATIONAL BENEVOLENT ASSOCIATION:											
not a life insurance company within the meaning of general laws										477	
NATIONAL CENTENARY SCHOOL EXPOSITION:											
appropriation for exhibit of condition and work of public schools at								188			
NATIONAL GRANGE:											
organization of, election of trustees, etc	2002							204 208			
NATIONAL GUARD—(See Wisconsin National Guard):											
laws as to, revised and consolidated											202
NATIONAL UNION:											
exempt from general provisions of law relating to life insurance companies						94				477	
NATURAL HISTORY SOCIETY OF MILWAUKEE:											
authorized to transfer collection to city					329						

NAVIGABLE WATERS:
when county board may establish wharf lines in; alteration or discontinuance.... 670 207 97, 816
obstruction of, by banking logs, etc. 220
penalty for obstruction of, by depositing sawdust, etc, therein 134
declaring Rice creek navigable for steamboats 431
declaring portion of Dell creek or river, Sauk county, to be 87

NEBAGAMAIN, TOWN OF:
detached territory from town of Gordon, Douglas county, to 112

NECEDAH:
town and village of, Juneau county, authorized to aid in construction of bridge across Wisconsin river 186
authorized to buy certain stock in the Pete-en-Well Bridge Company, and to issue bonds to pay for same 329

NEENAH:
city charter of, amended 188 184 5
city of, authorized to borrow from trust funds of state, to build a schoolhouse 203
authorizing town of, to hold its elections and meetings in city of 12
city of, authorized to construct new bridges and borrow money 4
authorized to levy tax to pay bridge bonds and interest 4
electors of, in 2d ward, may vote in first 297

NEENAH CREEK:
protection of valley of, from overflow 128

NEGLIGENCE—(See Railroads):
liability of telegraph companies for, in receiving, transmitting, copying and delivering dispatches 171

NEILLSVILLE:
city of, incorporated 271
city charter of, amended 312 360 366 190

NEKOOSA LUMBERING COMPANY:
repealing chapter 294, P. & L. 1856, inconsistent herewith 53

NELSON, ANDREW:
to build a pier in Green bay, Door county 75

NELSON, C. L.:
dock or pier, Sturgeon bay, Door county 198

NETS—(See Fish and Game Law):
used in Lake Michigan, Green bay and Lake Superior; to regulate size of meshes of r4563 198 520 453 291 308

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
NETS—Continued.											
fishing with, prohibited in inland lakes and streams							114	375	486		307
what kind may be used in Lake Winnebago, etc									412		
not to be used to trap game									443		
pound nets not to be used in Lake Superior									453	291	
laws relating to, revised											106 130 307 308
NEW:											
county of, created	5	114	19 247								
changing name of county of, to Langlade			19								
NEWBURG, ALOYS:											
acts of, as justice of the peace, legalized			71								
NEWELL, JAMES E.:											
acts of, as justice of the peace, legalized						124					
NEWPORT:											
town of, Columbia county, may build dam and levees along and across Wisconsin river										284	
NEW HAVEN:											
town of, Adams county, authorized to aid in construction of a bridge across Wisconsin river						186					
NEW LISBON:											
village of, Juneau county, authorized to aid in construction of a bridge across Wisconsin river						186					
to authorize justices of the peace elected in town of Lisbon to hold office in any part of [illegible]			251						339		

[illegible]										66	
NEW LONDON:											
city charter of, amended			r100	298	87		221		162 168	45	
NEW RICHMOND:											
city of, incorporated							82				
charter amended								159			
NEWSPAPER:											
Wisconsin Legal News declared to be a	4276	194									
daily, publishing laws entitled to compensation	331			r101	302		348				
NEWSPAPERS:											
not to be furnished to members of legislature	115 r 116				158						
when to be paid for publication of copy laws	331				302		348				
NEW TRIAL:											
petition on motion for, what to state in criminal case	4719								274		
NEW YORK STANDARD FIRE INSURANCE POLICY:											
in this state, form of, to conform to										195	
NICODEMUS AND CONOVER MAP:											
of Wisconsin; purchase of 700 copies authorized		56									
to provide for sale of						90					
NICOLET:											
city of, incorporated						351	52	383			
charter amended							396				
name changed to West De Pere								383			
NINTH JUDICIAL CIRCUIT:											
terms of court in, Sauk county					125						2
Marquette county				238							
Juneau county									391		2
boundaries changed, Juneau county detached											2
NON RESIDENT:											
deposition of a, party to action, may be taken, in county where pending, and attendance compelled	4096								348		
NOMINATION OF CANDIDATES:											
to be voted for at elections, how made										379	388
vacancies how filled										379	388
how made in counties of 150,000 population										439	388

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
NORCROSS, PLINY:											
appropriation to							51				
NORMAL SCHOOL:											
establishment of an additional school in city of Milwaukee			299								
manner of auditing and paying accounts	401, 406, 409	98									
to provide for opening a fifth state, appropriating a certain amount therefor, and maintenance thereof							364				
establishment of sixth authorized										409	
sites for, may be donated											185
NORMAL SCHOOL FUND INCOME:											
necessary sums for building, equipping, etc., to sixth normal school, may be taken by board from										409	
to provide for physical and professional training at Platteville and Whitewater, and making appropriation therefor										409	
to provide for increase of income for											182
tax levied for											185
NORTHERN DISTRICT AGRICULTURAL AND INDUSTRIAL ASSOCIATION:											
appropriation to								542			
NORTHERN HOSPITAL FOR INSANE:											
appropriation to		131	258	282	4, 88	142	71	88	87	227	
Winnebago county board may construct sewers across grounds of										230	
abolishing board of trustees of				208, 208							
placed under control of state board of supervision					18		68				
to grant land necessary for better depot accommodations at											272
may buy additional land											

NORTHERN PACIFIC RAILROAD COMPANY:
enabled to perfect title to lands in Douglas county 150

NORTHERN WISCONSIN:
railroad building certain line across, to be exempt from payment of license fees for ten years 290

NORTHERN WISCONSIN AGRICULTURAL AND MECHANICAL ASSOCIATION:
appropriation to 73 122 125 243 110 156 542
publication of transactions 330

NORTHWESTERN BENEVOLENT ASSOCIATION:
supreme counsel of, exempt from provisions of insurance laws of state 534 477

NORTHWESTERN ENDOWMENT LEGACY ASSOCIATION:
exempt from provisions of general insurance laws 43 477

NORTHWESTERN MASONIC AID ASSOCIATION:
exempt from provisions of general insurance laws 198 477

NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY:
time of annual meeting of, changed 193

NORTHWESTERN MUTUAL RELIEF ASSOCIATION:
exempt from provisions of law relating to life insurance companies 246 477

NORTH WISCONSIN RAILROAD COMPANY:
lands exempted from taxation 23
apportionment of amount to be received by Burnett county from, under provisions of chapter 22, laws 1879 1475
repeal of chapter 475, laws 1887 407
farming lands; defined 22
to be sold at $2.50 per acre 22
pine thereon may be reserved 22
taxation of lands when sold 22
purposes of this act 22
to pay five per cent. of gross earnings as license fee 22
certified list of lands to be transmitted to state treasurer and county treasurers 22
license fees paid by, to be apportioned to counties and towns in which lands are situated 22
option as to grading granted to 176
in case of aquirement of additional liens; rights and duties 176
what to be deemed a full compliance with provisions of section 2, chapter 126, of laws of 1874 176
amendatory of section 8, chapter 22, laws 1879, exempting lands of, from taxation 219

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws – Years, Chapters and Amendments.									
	No of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
NORWEGIAN EVANGELICAL LUTHERAN SYNOD:											
name changed to "Synod" for the Norwegian Evangelical Lutheran church of America							89				
charter of amended											84
NORWOOD:											
town of, Langlade county; boundaries defined				7							
NOTARIES PUBLIC:											
acts of following, as notaries, legalized:											
Haskins, C. W						105					
McDermott, William		14									
women may be	173	194									
powers of; may take depositions	175			20							
certificate of, with seal, a sufficient attestation of affidavits, etc., taken out of state	4203					119					
NOTICE:											
in county court required to be given must be published in paper selected by parties	4045							895			
county judge not to order publication of, in a newspaper owned or controlled by him								429			
of hearing of executors' or administrators' petition to sell lands of ward to be published three weeks	3877									342	
same of hearing of guardians' petition to sell lands of wards	3999									342	
of making new record of highway in towns, how given									106		
to be given owner or keeper of vicious dog, when										218	
what shall be due proof of service of, in certain cases										286	
of claim against railway company for setting fire or killing stock, must be given before suit											209
NOTRE DAME:											
sisters of, authorized to remove bodies from old Calvary cemetery in city of Milwaukee					24						
changing name of, subdivision, in city of Milwaukee legalized								84			

NOTT, KELLY A.:
appropriation to... 211

NOWELL, JAMES E.:
acts of, as justice of the peace, legalized.... 124

NOXIOUS WEEDS:
to prevent spread of; cockle burrs to be destroyed..... 1480 143 228 233 145
sand burrs to be destroyed..... 1480 228
laws relating to, to be printed on road warrants and read at town meeting..... 228 233 145
to be destroyed, penalty for failure..... 818 432 145
railroad companies to destroy, on their land..... 818
acts amended 145
commissioner of, to be appointed—duties, compensation, etc..... 818 432 145
in towns when overseers of highways to act as..... 217
town clerk to read this act aloud at town meeting..... 818
penalty for neglect to appoint commissioner..... 432 145

NUISANCE:
when equitable action to restrain, may be brought before nuisance or right is established at law . . . 3180 190

NUMBERING:
of houses, stores, etc., in villages..... 803 216

NYHUS, HENRY:
acts of, as justice of the peace, legalized .. 142

OAK CREEK:
dam across, Milwaukee county. .. 170

OATHS:
commissioners of U S. courts may administer..... 9
taken out of state sufficient attestation by notary public, with seal..... 4203 119
when town chairman may administer 147

OBSCENE MESSAGES:
not to be sent on telephone; penalty .. 236

OBNOXIOUS ANIMALS:
penalty for bringing into state or removing from point to point, swine infected with hog cholera 1493 121

OBSTRUCTIONS:
placing in ditches, canals, punishable..... 87

OCONOMOWOC:
city charter of amended. 239 199 281 141 287 133

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885	1887.	1889.	1891.	1893.
OCONOMOWOC RIVER:											
dam across, Washington county										150	
OCONTO:											
city charter of, amended			112		56	348	188		192	208	
amending acts of 1870, authorizing city of, to erect and maintain a pier in Green Bay			129								
to regulate description of real estate in city of, for purposes of assessment and taxation				?105				363			
to repeal above								363			
to correct errors in secs. 1 and 2, ch. 56, 1882							188				
real estate in, subject to taxation to be described in "assessor's book of real estate in" to be kept in office of register of deeds of county of							188				
may issue bonds to build wharves									230		
may issue bonds to build city hall and engine house										33	
OCONTO COUNTY:											
legalizing proceedings of, in subscribing aid to St. Paul Eastern Grand Trunk Railway Company								151			
relating to amount due to, from sales of swamp lands in, under ch. 90, laws 1885								492			
providing for settlement between Langlade and Forest counties								587			
boundaries changed to create counties of Marinette and New	5	114								416	
boundaries changed to create and perfect the county of Langlade	5			7							
boundaries changed to create county of Florence	5				165						
state road through		143									
relating to swamp lands in			261		135						
authorized to borrow from trust funds of state				271							
terms of circuit court in	2424				8		160	89		355	
made part of the fourteenth judicial circuit						288					
assessor's book in city of Oconto to be kept in office of register of deeds of							188				
to discontinue certain state road in county of, and Marinette							269				
levy tax for supplies furnished loggers in									418		
creation of Forest county out of, and counties of Lincoln and Langlade							486				
legalizing proceedings in creating town of Brazeau											78

ODD FELLOWS (THE WISCONSIN) MUTUAL LIFE INSURANCE COMPANY:
amending act creating 1
not life insurance company under general laws of state 477

OEHLER, A. AND OTTO:
appropriation to 27

OFFENSES—(See Crimes and Punishment; Penalties):

OFFER OF JUDGMENT:
how made in justices court 3027 39

OFFICERS:
in military service, when lost commission duplicated 184
of legislature, compensation of, acts for revised 1

OFFICIAL BALLOT—(See Elections):
revision of laws as to 288

OFFICIAL BONDS—(See Bonds):
act relating to, amended 449 196
to allow corporations to guaranty or be sureties; action; when to be commenced on 268

OFFICIAL STATE PAPER:
legislature to declare newspaper published at Milwaukee as, Milwaukee Journal, so designated as 344 3

OILS—(See Illuminating Oils):

OLIO-BUTTER:
notice of fact of sale or use of, to be posted where sold or used ..... 185 ..... 165 .....

ONALASKA:
incorporating city of ..... 49 .....
charter amended ..... 398 134 {305 317

ONEIDA COUNTY:
created from Lincoln county ..... 411 .....
when act takes effect, section 12 ..... 411 .....
territory detached from ..... {150 275
legalizing acts of county board of, Lincoln county, amending sections 7, 8, 9 and 11, chapter 411, laws of 1885, relating to ..... 158 .....
municipal court for, created, powers, etc ..... 312 ..... 349 .....

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893
ONEIDA COUNTY—Continued:											
liens on logs, lumber, etc., in chapter 469, laws 1885, to apply								530	145		
terms of circuit court in										18 41	
canal from Lake Catharine to Tomahawk lakes in, and booms										137	
dam across Wisconsin river in										177	
Vilas county, created from											150
O'LAUGHLIN, MARY:											
appropriation to											239
O'NEIL CREEK:											
Chippewa county, dam across		28				280					
ONIONS:											
legal weight of bushel of	1665			121							
OPIUM:											
to prevent smoking of; penalty										442	
O'ROURKE, M. L.:											
appropriation to									198		
ORDERS:											
of court, by whom made	2815	194									
when actions may be brought on city, county, town and school				240							
ORGANS:											
number and value of, to be entered on assessment roll	1050[a]			247							
ORPHAN ASYLUM:											
when minor placed in, officer of, to make report to county judge, when										271	

OSCEOLA, TOWN OF:
authorized to borrow portion of trust funds of state to aid in building railroad.... 143

OSCEOLA CREEK:
preservation of trout in Polk county..... 339

OSCEOLA MILLS:
ferry at, across St. Croix river..... 220

OSHKOSH:
city charter of, amended 38 15, 89 98 188 230 149, 150 59
insurance companies doing business in, to pay city two per cent. on premiums ... 208
authorized to issue bonds to pay its debts 30
to provide for disposing of funds of fire department of city of..... 50

OSHKOSH AND MISSISSIPPI RIVER RAILROAD COMPANY:
amendment to charter of, repealed..... 260
charter amended.. 9

OSTHELDER, CHARLES AND JOSEPH:
conferring certain property rights on, of state in by escheat 210

OTTER CREEK:
Clark and Chippewa counties, dams in and across 177

OUTAGAMIE COUNTY:
appropriation to..... 217
authorized to borrow from trust funds of the state to build a court house..... 95 227
register of deeds to keep up and continue abstract of title to real estate in..... 200
appointment of register in probate in..... 178
appointment of fish warden for 297
term of circuit court in..... 8 288 134
repealing acts requiring certain officers of, to furnish lists of lands in, sold for taxes and for publication of election notices in Appleton Volksfreund..... 2424 340
salary of county judge of..... 201

OVERFLOW:
protection of, valleys of Neenah creek and Fox river from..... 188
of Chippewa river, in Dunn county; investigation of cause of, authorized..... 210

OVERSEERS OF HIGHWAYS—(See Highways):
duty of, in removing snow from highways..... 1249 179, 454
blanks for making highway tax lists to be furnished to, by town clerk..... 477
when to act as commissioners of noxious weeds..... 217

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
OWENS, JOHN S., AND OTHERS:											
to maintain piers and booms in Chippewa river							423				
OZAUKEE COUNTY:											
detached from third judicial circuit and made a part of new thirteenth	2423			37	55						
relieved from payment of interest on taxes due state for 1887 and 1888											
Wisconsin Rendering Company may purchase and use land in, for rendering purposes, when									4		
and exercise power of eminent domain therefor										220	
										220	
PALACE CAR COMPANY:											
to make annual report and pay license fee; not to use cars or collect fare unless license fee paid						353	415				
PARENTS:											
children may be removed from custody of, when								353	200		
PARKS:											
powers of cities as to, under general act as to											312
PARRY, WM. T.:											
appropriation to							51				
PARTIES:											
in justice courts; rules of courts of record applicable	3612	194									
interpleader in actions for conversion	2610					41					
insurance companies, liable for loss may be joined in one action											235
political—(see elections)											236
PARTITION FENCES—(SEE FENCES:											
when to be built and maintained	1801 1893		188								
when not maintained, damages for trespass not recoverable	1891		807								

PARTITION OF WATER POWERS:
action for, when maintained 3149 203
apportionment and powers of commissioners 3150, 3151 203
procedure 3152 203

PARTITION OF PERSONAL PROPERTY:
providing for, owned by tenants in common 189

PARTNERSHIP:
surviving partners to file inventory in probate court when required. penalty for refusal 60
when actions and proceedings against, may be in partnership name 249

PARTRIDGE - (See Game Laws):
penalty for killing, when 1 3

PASSENGERS:
on railroad trains, using indecent or abusive language, etc., penalty 29

PATENTS:
when issued to deceased persons, title to vest in heirs 220
executed by governor, for lands granted for military roads, effect of, as evidence. 4153 18
may be executed by governor to railway or other corporations, when 481
to cities, governor to issue, sections 5, 12 326
when governor to apply for, for swamp and overflowed lands; duties of commissioners in issuance of 378

PATRONS OF HUSBANDRY:
organization of, election of trustees of, and similar societies 204

PAUL, GEORGE H.:
appropriation to 45

PAUPERISM AND CRIME:
collection of statistics of 271
county clerks to make report to State Board of Charities and Reform 271
town clerks to report to county clerks 271

PAUPERS:
in city of Racine, support of 63
how relatives compelled to support 1503 265

PAVEMENT:
in cities, under general incorporation act 312

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
PAWNBROKERS:											
to regulate, loan brokers, etc., in the city of Milwaukee								337			
PAYNE, H. C., AND OTHERS:											
may build dam across Yellow river, Wood county										142	
PECK, WALTER L.:											
to build a bridge across Lake La Belle, Waukesha county						10					
PECOR BROOK:											
Oconto county, dam across authorized											129
PEDDLERS—(See Hawkers and):											
licensed by state, when exempt from local license	1588	194		100					510		
to take out license; resident dealers in agricultural machinery not required to take out license	1570			100	218		263		510		
who are required to take out license as	1570								510		
application, how made	1571								510		
license fee to be paid by	1572								510		
license when to expire; disabled soldiers exempt from license	1575			100						443	
to prevent and punish frauds in sales by	1570									443	
license of, sec. 3	1570									443	
penalty for trading without license, or contrary to terms therein; for refusing to show license when required	1576			100					510		
PELICAN LAKE:											
town of, created in Forest county							436				
boundaries of, changed								270		189	
PELICAN RIVER:											
dam across authorized in Oneida county											169
PELTIER, JEROME:											
to build a pier in Green Bay, Door county						116					

PENALTIES (See Crimes and Punishments; Fish and Game; Elections):											
for using animals for procreation in view of streets		35									
for interfering with signals, etc., of U. S. coast survey		38									
for unauthorized wearing and improper use of the badge or badges of the Grand Army of the Republic								401			
same of Loyal Legion of U. S.									360		
for violation of compulsory education act		121							r519	4	
for failure to prosecute therefor		121								187	
for neglect of insurance companies to use uniform policy of fire insurance										195	
for neglect to provide communication between engine and operating room in manufacturing establishments										226	
for unlawful publication of delinquent tax list		150									
for securing loan or deposit of public moneys from state treasurer, contrary to law										278	
for unlawful publication of list of unredeemed lands		150									
for fraudulent entry of horses to compete for premiums										279	
for unlawful use of grain tester		174									
for boys getting on or off moving trains		183									
for vagabondage		188						470			
for unlawful use of fish nets in great lakes	r4563	192						520	453		
for having in possession or selling young white fish or lake trout	r4563	192									
for neglect by sheriffs, constables, etc., of duty in enforcing fish laws	r4563	192									
for failure of register of deeds of Dodge county to re-recorded deeds		216									
for adulteration and fraud in food, drugs and liquors		248									
sale of vinegar										394	
for use of indecent or abusive language, for boistrous conduct and for gambling on railroad trains			29								
for driving nails, etc., in logs	4451		94								
for killing game in ambush in open water	4565		170					374			
for attempting to escape from, or escaping from house of correction of Milwaukee county	4490 4494		230						250		
same for assault by escaping convict	4490								250		
for exhibiting or letting out children for immoral purposes or in injurious business			239								
for transacting business of insurance without license			240								
for refusing to sell food, drugs or liquors for analysis			252								
for cruelty to inmates of prisons, hospitals, etc	4389		265								
for neglecting to fence openings in ice	4395		267								
for inspectors of oils dealing therein			269								
for selling uninspected or rejected oils			269								
for falsely branding or altering brand on cask of illuminating oil, etc			269								
for failure to have fire escapes on buildings							875		304		
manufacture and sale of fraudulent butter and cheese									424	165	
sale of impure milk									425	165	
for sale or use of imitation dairy products when										165	
for writing on, altering defacing ballot, or disclosing how elector voted on election day								499		379	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
PENALTIES—Continued:											
when owner of vicious dogs liable for acts of										218	106
for killing various kinds of game out of season										351	
for use of nets, of unlawful size mesh in Lake Superior										201	308
for larceny of dogs, beasts and birds ordinarily kept in state confinement, etc								523			
for unlawful catching of fish in Washington county										843	
for putting more persons to work in factory, workshop, etc., than laws of health will permit; also for failure to keep proper safeguards around vats, elevators, shafting, etc., in								549			
for failure to so mark imitation butter and cheese and adulterated honey				40				240		264	
how to be marked and branded, penalty for failure or falsely stamping									455	201	
for unlawful fishing in Sturgeon Bay										435	
for unlawful taking of wall-eyed pike and black bass				46				r412			
above repealed									371		
protection of small pike and bass, penalty for violation									371		
for unlawful catching, etc., of fish in Green Lake county									364	458	
for refusal of surviving partners to file inventory in probate court				60					346		
for selling or giving tobacco, etc., to minors										434	
for selling without peddlers' license or contrary to terms thereof; for refusing to show license when required	1570			100					510		
for throwing slabs, etc., into navigable streams				134							
for smoking opium, or resorting to house or frequenting same for that purpose										442	
for felling trees, etc., on telegraph wire without giving notice	4558			162							
for misapplication of loans from trust funds				167							
for unlawful fishing in waters of Waukesha and Racine counties				168						451	
for bringing dead body into city or village, or transporting same without certificate of physician											
for issuing false certificate				168							
for exposing other persons to infectious diseases				168							
for cutting and taking standing timber				171							
for failure of corporation to appoint attorney on whom process may be served				180							
for treating to intoxicating liquors	1556			r204	51						
for disturbing spawning beds	4560			218							106
for obstructing streams by banking logs, etc., on				220							307
for failure of county, town, city or village clerk to return statistics or taxation, etc				236							101

for failure of county clerk to distribute blanks for statistics of taxation				25b							
for assumption of professional, title by quack				256							
for selling land by, or recording, unlawful plat					52						
for sale or use of toy pistols, etc					116						
for interfering with children removed from cruel parents					119			358	200		
for bringing swine into state diseased with cholera	1492				121						
for cutting or removing ice in certain portions of Sturgeon Bay					164						
for unlawful practice of pharmacy					167			400			
for adulteration of drugs, etc					167						
for unlawful sale of poisons					167		146	460			
for neglect of life or benefit associations to pay judgment									486		
for unlawful practice of dentistry							129	102			
for refusal of telephone companies to transmit messages or rent telephones					196						
for failure to properly mark logs scaled in district No. 9					214						
for failure by fraternal insurance company to make report to commissioner and for doing business after prohibited									324		
for allowing minors to play on pool or pigeon hole tables									406		
for failure of town clerk to keep papers, etc., in safe						114					
for failure of physician to notify board of health of contagious diseases						167					
for transacting business for foreign manufacturing corporation which has failed to file statement, etc						220					
for ordering unlawful change of text books in schools	503					251					
for violation of law by person other than officer serving process in justices' courts	3608					281					
for keeping or maintaining policy shops						286					
for killing or exporting deer, etc						290		374	443	400	
for unlawful sale to or use by minors of pistols, etc						329					
for intoxicated persons going armed with pistol						320					
for failure of telephone companies to obtain license						345					
for failure of railroads to keep right-of-way at intersection of highways clear of brush, etc									512		
for feloniously taking, stealing, etc., ax and handsaw from railroad passenger car	1 07							249			
for neglect to keep railroad turntables locked when not in use	1807								516		
for offenses against chastity					73 282						
for kidnapping	4387					257			219		
for failure to keep fire escape on factory, workshop or other structure where several persons are employed on or above the third floor	4575a						50				
for preventing, hindering, controlling or intimidating another in the exercise of right of suffrage							174			379	
for destroying public records					295						
for failing to fill out blanks sent from bureau of labor statistics by owner or agent							247				
for manufacture, sale or transportation of explosives intended for criminal destruction of life or property							342				
same of agents or persons aiding or abetting							342				
for manufacture and sale of spurious butter and cheese							361		455	204	

SUBJECT MATTER OF LAW.	Revised Statutes amended or repealed.	GENERAL LAWS—YEARS, CHAPTERS AND AMENDMENTS.									
	No. of section.	1879.	1880.	1881.	1882.	1883	1885.	1887.	1889	1891.	1893.
PENALTIES—Continued.											
for illegal stamping or branding of cranberry barrels							384				
for injury to telegraph or telephone lines, wires or poles							447				
for throwing fish offal overboard into waters of Lakes Michigan, Superior, Green Bay or Sturgeon Bay							455	520			309
for neglect to mix eggs and milt of trout and white fish caught in, penalty							464		482		
for violation of provisions of section 9 (canvass of votes) of this act											
destruction of certificates; filing or suppressing same, forging or falsely making official endorsement on ballot; destroying supplies, etc.									248	379	288
neglect of duty by officer									248		
destruction of ballots, sec. 35									248		288
for violating provisions of act; illegally soliciting votes, removing ballots, voting unofficial ballots, etc									248	379	288
for violation of section 1 of this act, uniformity of ballots in cities of 150,000 or more									475		
for failure to report, to proper officer, when person has domestic animal on premises affected with infectious or contagious disease							467	76			
for catching fish in Trout run, Jackson county										211	
for catching fish in Rock lake, Jefferson county										213	
for killing quail in certain counties										214	
for sale or barter of brook trout							471	375	359		
for entering fair ground and willfully destroying property								44		350	
for rape of female of twelve years or more	4781									350	
same, if female common prostitute	4 81							46			
for failure to provide fire escapes, etc., on buildings erected										358	
for cruelty to domestic animals	4441										
for issuing bank checks with intent to defraud without having funds on deposit where check made payable								136			
for failure of railway companies to erect or maintain block or guards at frogs in tracks									123		
for refilling branded casks with oil without new tests			269								
for selling casks, etc., of oil bearing uncancelled brand			269								
for adulteration of illuminating oils			269								
for sale, transportation, packing of unwholesome, stale, putrid flesh of diseased animals										431	

on inspector of illuminating oils for failure to enter complaint			209									
for diversion of funds of savings institutions, or for unauthorized contracting of debts			289									
for larceny, when property stolen exceeds $20 in value	4415		67	170				278		397		
converting timber, etc., wrongfully severed, to one's own use										473		
for making false statement or copy of record by insurance corporations											448	
for neglect to place fishways in dams in Dunn county											451	
same in Trempealeau river, in Trempealeau and Jackson county												
for assault with intent to murder or rob	4376			79								
for sale of intoxicating liquor to evade			174									
for larceny of person						19						
for setting spring guns	4394					20						
for failure of mortgagee, personal representative or assignee after full performance of conditions of mortgage to discharge same	2250					100						
for kidnapping						257						
duty of magistrate on payment of fine in criminal case before him	4772						117					
for fraudently scaling logs or reporting same							290					
for fishing with nets							414	278		486		
for fishing in Douglas mill pond or creek										292		
for failure to construct fishways in dams in Fox river										477		
same, Catfish river, Dane county										511		
for bringing domestic animals into state, affected with, or who have been exposed to infectious or contagious disease							467					
for taking, selling or converting logs, etc., of others	4149		295									
for furnishing liquor to spendthrifts	1550		312									
for unlawfully entering upon and severing cranberry or cranberry vines from land of another								86				
for taking and carrying away things annexed with realty								99				
for throwing slabs, sawdust, etc., into Wisconsin river			314									
for throwing sawdust, etc., from portable saw-mills into trout brooks								490				
for selling or bringing to be manufactured milk, diluted with water, unclean or impure, etc								157	344			
for failure to post notice of the fact of the sale of oleo-butter, imitation cheese, etc								185			165	
for failure to mark and stamp on package of cheese name and location of factory, together with grade								240	455	264		
for adulteration of dairy products, etc									344 494 455	165 264		
for offering for sale, etc., for drinking and eating purposes, ice cut in Milwaukee river below North avenue, in city of Milwaukee								361				
for violation of provisions of game law								374	443	351		
for violation of fish law								375	486			
for catching trout in Osceola creek, Polk county										339		
for taking, catching, etc., wall-eyed pike, in waters of Green Bay and part of Fox river								412	371			
killing birds for millinery purposes								413				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
PENALTIES - Continued:											
for failure to construct fishways in dams on Willow river								415			
for interference with persons employed at lawful labor, or with the use or operation of machinery								427			
for holding elections in room where intoxicating liquor is sold, or room adjoining								219			
for peddling election tickets on election day in cities of 150,000, or over										178	
for damage done to levees								221			
for obtaining certificate of registration of cattle or other domestic animals, by false pretences, etc								220			
for combining together to injure another in his reputation, trade or business, or compelling another to do or perform any act against his will								287			
for abandonment of children by parent or of wife by husband, and failure to provide for support of when able to earn means of					200		422	318	321		
for burning logs or brush or setting fire to, in towns								343			
for blacklisting employes								349			
for being a tramp								470			
for taking, killing, destroying, having in possession, etc, certain game in Racine county								538			
for counterfeiting electoral ticket, etc								547			
for withholding from or making false statement to assessor concerning property liable									331		
for accepting statement not properly sworn to, assessor liable									331		
for obtaining accommodation at hotel, etc., without pay or credit by false pretenses									351		
for assault and robbery	4378								230		
for cruelty to milch cows									208		
for baiting and fighting birds, dogs and other animals									347	368	
PENDENCY OF ACTION: discharge of, how made											19

PENSIONS:
state agent for, created ... 114 ... 382 ...
duties of ... 114 ... ...
adjutant general to perform ... ... 382 ...
city of Milwaukee may grant to widows, etc., of members of police and fire department ... ... 209 ...
cities having population of over 100,000 may pay to disabled members of fire and police departments, or to widows and orphans of such members ... ... 287 ...

PEPIN COUNTY:
amending act of 1878, for preservation of trout in ... 33 ... ...
state road in from village of Stockholm ... 155 ... 231 ... ...
state road in, to village of Pepin ... ... 223 ... ...
special terms of county court in ... 2464 ... 41 ... ... 88 ...
terms of circuit court in ... 2424 ... ... 135 ... ... 326 ...

PERE MARQUETTE:
statute of, to be placed in old hall of representatives ... ... 514 ... ...

PERRY, GEORGE W.:
appropriation to ... 89 ... ...
to build a pier in Bay of Superior, Douglas county ... 120 ... ...

PERSONAL PROPERTY—(See Exemption):
where to be assessed for taxation ... 1040 244 165 ... 258 354 ... 238 ... 473 179 160

contract for sale of, for future delivery; when valid ... ... 81 ... ...
conditional sales of, statement of amount due, redemption; filing ... ... 518 ... ...
chattel mortgages of, where mortgagor is a married man, invalid unless signed by wife and her signature witnessed by two witnesses ... ... 308 ... ...
providing for partition of, owned by tenants in common ... ... 189 ... ...

PERSONAL TORTS:
of wife, husband not liable for ... ... 25 ... ...

PESHTIGO, TOWN OF:
town of Amberg created out of ... ... 161 ...

PESHTIGO RIVER:
dam across, Forest county ... ... 444 539 ... ...

PESHTIGO LUMBER AND MANUFACTURING COMPANY:
charter of amended ... 18 ... ...

PESTILENTIAL DISEASES—(See Infectious Diseases):
to prevent spread of ... 168 ... ...

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
PETE EN-WELL BRIDGE COMPANY: to authorize town of Necedah to buy certain stock of							329				
PETERSON, CARL E., ET AL.: dam across Trade river, Burnett county										148	
PETIT JURORS: how drawn and summoned, duty of clerk and sheriff	2532, 2533								140		
in counties of 150,000 or more; commissioners; duties, etc									403		
PETITION—(See Liens):											
PETROLEUM FLUID: may be sold in Rock county without being tested	4339	189									
inspection of illuminating oils			209	288		158					
PETTYS, E. J.: appropriation to		128									
PEWAUKEE LAKE: preservation of fish in							179				
PHARMACISTS: permits to be granted to, for sale of intoxicating liquors, for medicinal, mechanical or scientific purposes only	1548a						296	404			
to enter date of sale, name of person sold to, kind and quantity sold in book	1548a						296				
book to be open to inspection at all times	1548a						296				
to file with clerk of city, village or town where permit granted, verified copy of all entries in	1548a						296				
penalty for making false statements to, for purpose of inducing sale of liquors by	1548a						296				
PHARMACY: to regulate practice of; registered pharmacists only to practice					167			400			

graduates and licentiates only eligible to registration; terms defined					167		460				
governor to appoint state board of pharmacy; officers and their duties					167						
registration of pharmacists and assistants; fees					167			460			
compensation and expenses of board and secretary					167			460			
penalty for violations of act					167			460			
proprietors of drug stores responsible for quality of drugs, etc					167						
penalty for adulteration					167						
sale of poisons; labels					167		146				
suits, how prosecuted					167			460			
repeal of former acts					167						
PHARMACY AND MATERIA MEDICA:											
establishment of chair of, in University	890					800					
PHEASANTS—(See Game Law):											
when not to be killed											106
"PINKERTON:"											
detectives, etc., armed, not to be employed, when											163
PHILLIPS, THOMPSON:											
acts of, as justice of the peace legalized		86									
PHILLIPS, CITY OF:											
incorporated										130	
PHONOGRAPHIC REPORTERS:											
employment of, in county courts having civil jurisdiction	2437		89								
when county judge Winnebago county may employ										171	
salaries and duties of, in circuit and county courts of Milwaukee county						1					
duties of, in Kenosha county						1					
judge of municipal court, Oneida county, may appoint										349	
judge of county court, Milwaukee county may appoint										184	195
judge of county court, Waukesha county, may appoint										99	
judge of municipal court, Rock county, may appoint								237			
of circuit courts, when deficiency in salary paid by state, judge to certify									128		
relating to trascripts of evidence by	2439									115	
PHYSICIANS AND SURGEONS:											
persons incompetent to testify in professional capacity not to assume title; penalty; district attorney to prosecute; burden of proof				256							
of fifteen adjoining counties may form a medical society	1439							212			
persons prohibited from assuming title, to be liable for malpractice				256	40						
refusal to exhibit diploma, etc., when suit not deemed malicious				256	40						
practice by students, midwives and veterinary surgeons					40						
fees for certificates of births and deaths					287				312		
to notify boards of health of contagious disease; penalty						167					
compensation of, for attending inquests	4870						339				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
PHYSICIANS AND SURGEONS—Continued:											
provisions of section 6, chapter 129, laws 1885, not applicable to regular practicing								102			
testimony of, may be received without requiring proof of incorporation of college from which graduated	1436							131			
PHYSIOLOGY AND HYGIENE:											
pupils in public schools to be instructed in							327				
text books used in giving instruction in, to be approved by state superintendent and state board of health							327				
PIER OR PIERS:											
in Bay of Superior, Douglas county					120						
Bay of Superior, Douglas county						206					
Bay of Superior, Douglas county						255					
Black river, Clark county						209	88				
Chippewa river, Chippewa county			104								
Chippewa river, Eau Claire county			146								
Chippewa river, Eau Claire county				88							
Detroit Harbor, Door county							357				
Green Bay, Door county		41									
Green Bay, Door county			101								
Green Bay, Door county				216							
Green Bay, Door county					75						
Green Bay, Door county					76						
Green Bay, Door county					82						
Green Bay, Door county						115					
Green Bay, Door county								335			
Green Bay, Door county									200		
Green Bay, Door county									430		
amending act of 1870, for pier at Oconto in Green Bay			139								
Hick's Lake, Waupaca county				61							
Lake Michigan, Door county		29	131				203				
Lake Michigan, Door county		42									
Lake Michigan, Door county					91						

Lake Michigan, Door county 91
Lake Michigan, Milwaukee county 191 193
Lake Michigan, Door county 327 333
Lake Michigan, Door county .....
Lake Michigan, Milwaukee county 123
Saint Louis river, Douglas county 209
Sturgeon Bay, Door county 171 193
Sturgeon Bay, Door county 64
Sturgeon Bay, Door county 65
Sturgeon Bay, Door county 93
Sturgeon Bay, Door county 341
Sturgeon Bay, Door county 31
Sturgeon Bay, Door county 32
Wisconsin river, Lincoln county 247
Wisconsin river, Marathon county 282

PIERCE:
town of, Kewaunee county, authorized to vote upon question of granting aid for construction of Kewaunee harbor 195

PIERCE COUNTY:
amending acts of 1878, for preservation of trout in 33
additional highway tax in ..... 1240[a] 60
state road through 155 234
southern terminus of C., St. P. M. & O. Ry. in 23
terms of circuit court in ..... 2124 ..... 135 326
excepted from the provisions of this act ..... [a]471 369
repealed 369
aid to D, R. W. & S. Ry. in, how given 223

PIERCE COUNTY CENTRAL FAIR AND STOCK EXCHANGE:
appropriation to 313

PIGEON HOLE TABLES:
penalty for permitting minors to play on 406
license of 321

PIGEON RIVER:
John Nohr et al., authorized to build dam in, Waupaca county 23

PIGEONS:
not to be killed within three miles of nesting place ..... 4565 ..... 328 374

PIKE AND BASS:
protection of small 371

PIKE LAKE:
Bayfield county, improvements in 278
Bayfield county, dams, etc., in 224

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883	1885.	1887.	1889	1891.	1893.
PINE CREEK:											
Chippawa county, dam across		144									
Price county, dam across			205								
Taylor county, dam across						130					
PINE RIVER:											
Lincoln county, dam across				160						229	
Forest county, dam across										238	
Forest county, dam across											
town of, Lincoln county; boundaries of, defined		170		116							
to detach from, and erect town of Eagle River							299				
PINE RIVER VALLEY AND STEVENS POINT RAILROAD COMPANY:											
not required to fence road		153									
PISTOLS:											
use by and sale to minors prohibited						329					
intoxicated persons not to go armed with						329					
sale or use of toy pistols prohibited					116						
PITTSVILLE:											
city of, incorporated								174			
charter amended									490		
PLACE OF TRIAL—(See Terms of Court):											
when county judge interested or of counsel, proceedings pending in county court to be tried in circuit court	2452				310						
change of, on account of prejudice of people of county, when and how made	ch. 112					r314	41				
when other judge may be called to hold circuit								425			
same on prejudice of judge	2025							806			
when sent to adjoining circuit	2026								100		
may be renewed when papers sent back to county from whence they came at first term	2028							806			
relating Milwaukee county, when judge may call judge of adjoining circuit to hold court								419			

of actions against railroads (except appeal in condemnation proceedings) ..... 2619⁴ 111 803
of persons stealing goods while in transit 182
change of action on appeal from justice and municipal courts, when 3624 806
change of by justice of the peace or other parties to other town or city only to be made in accordance with provisions of sections 3616 and 3617, revised statutes. 3571 197
in bastardy cases 469
in criminal cases; when judge of adjoining circuit to hold court wh re action is pending ..... ch. 190 218
change of, in Winnebago county court 9
in actions for trespass on public lands, may be Dane county 60

PLAINFIELD:
town and village of, authorized to issue bonds to pay railroad bonded indebtednes 351

PLANK AND TURNPIKE INCORPORATIONS:
may purchase franchise 89
to give notice to board of supervisors before opening road to public use or collecting tolls ..... 1886 ..... r 213
duty of board to inspect roads 1887 213
certificate of board *prima facia* evidence of the good repair of road ..... 1888 ..... 213 296
fees of inspectors 1892 213
above repealed, and sections of revised statutes restored 269
amending charter of Lisbon-Milwaukee 351
width of roadway to be maintained by Milwaukee & Cedarburg Plank Road Co 389
purchase of last named authorized 226

PLAN:
of Prospect Park, record of, legalized 20

PLAT:
village of Hancock, Waushara county, authorized 46
county court may order executor or administrator to plat land for sale when 112
in the city of Milwaukee, legalized 53

PLATS:
relating to vacation of, cities or villages ..... 2265 ..... 60 279
recording of, Milwaukee county 460 161
not to be recorded unless streets and alleys on, conform to existing 2202 474

PLATTEVILLE:
city of, incorporated 83
city charter of amended 94

PLATTING:
of lands and villages 52
and subdivision of 384

PLEA OF INSANITY:
trial of special issue on, in criminal cases 4697 161

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1883	1883.	1885.	1887.	1889.	1891.	1893.
PLEADINGS:											
judgment upon frivolous, who may order	2081	194									
sham pleadings, how stricken out	2082	194									
who may order payment of costs on striking out irrelevant and scandalous matter	2083	194									
who may require pleadings to be definite and certain	2088	194									
who may strike out sham or frivolous matter	2084	194									
in justice's courts; counterclaim may be pleaded as in courts of record	3626[4]				107						
in criminal cases may be amended on appeal from justices', municipal or police courts								184			
answer of garnishee need not set up exemption	3723							190			
PLOVER:											
town of, Portage county, authorized to borrow from trust funds of state		185									
PLOVER RIVER:											
Marathon county, dam across				207			412				
PLYMOUTH:											
city charter of, amended		135					220			11 172	
authorizing justices of the peace elected in city of, to have offices in any part of said city			70								
PLYMOUTH FARMERS' FIRE INSURANCE ASSOCIATION:											
election of president, secretary and treasurer of			160								
PLYMOUTH LYCEUM:											
charter of, amended				317							
POISONS:											
to regulate sale of					107		146				
POLAR:											
town of, Langlade county, boundaries of defined				7							

to legalize acts of executive committee of school board of directors of, and of the sub-district clerks constituting said board						48					
certain territory attached to							137				
POLICE JUSTICE:											
in villages; jurisdiction, etc.	886		127	75							
when incapacitated, justice of the peace may act	886		127	75							
POLICE OFFICERS:											
in city of Milwaukee; salary of chief of police			56								
when officers not to receive witness fees			56						137		
railway companies may appoint								258			
to be *ex-officio* deputy fish and game wardens										436	
in cities of over 100,000 population, being disabled may be granted pensions										287	
POLICE POWERS:											
railway conductors, ticket and freight agents to have, in certain cases			9								
agents of Wisconsin Humane Society to have			179							29	
POLICE REGULATIONS:											
regulations of auctions in cities and villages	1590					160					
in unincorporated villages; appointment of night watchman, etc., by town board				19			463				
POLICEMEN'S RELIEF ASSOCIATION:											
organization of	1987								168		
POLICY OF INSURANCE:											
fire, to be uniform, insurance commissioner to prepare same										195	
holders of, in insolvent mutual companies, how liable											293
POLICY SHOPS:											
prevention of						286					
POLITICAL PARTIES:											
to be represented at election primaries by committee, powers and duties of committee										r439	288
the signature of, on official ballot											288
inspectors and clerks of election to be of different, sec. 37											288
POLK COUNTY:											
action of board of supervisors legalized in setting off and creating town of Georgetown			74								
preservation of fish in				117							
same, in waters of Osceola creek										339	
part of a state road in, discontinued					105		115				
duty of county clerk respecting railroad aid tax of certain towns in							r143				
excepted from provisions of this act							471		369		
repealed									369		

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
PENALTIES - Continued:											
for failure to construct fishways in dams on Willow river								415			
for interference with persons employed at lawful labor, or with the use or operation of machinery								427			
for holding elections in room where intoxicating liquor is sold, or room adjoining								219			
for peddling election tickets on election day in cities of 150,000, or over										178	
for damage done to levees								221			
for obtaining certificate of registration of cattle or other domestic animals, by false pretences, etc								220			
for combining together to injure another in his reputation, trade or business, or compelling another to do or perform any act against his will								287			
for abandonment of children by parent or of wife by husband, and failure to provide for support of when able to earn means of					200		422	318	331		
for burning logs or brush or setting fire to, in towns								343			
for blacklisting employes								349			
for being a tramp								470			
for taking, killing, destroying, having in possession, etc, certain game in Racine county								538			
for counterfeiting electoral ticket, etc								547			
for withholding from or making false statement to assessor concerning property liable									331		
for accepting statement not properly sworn to, assessor liable									331		
for obtaining accommodation at hotel, etc., without pay or credit by false pretenses									351		
for assault and robbery	4378								220		
for cruelty to milch cows									208		
for baiting and fighting birds, dogs and other animals									347	368	
PENDENCY OF ACTION: discharge of, how made											19

relating to disposition of license moneys for support of, in Rock county 417
villages may use license moneys for support of 473

POOR-HOUSES:
contract system in, forbidden 425
indigent union soldiers, sailors, marines, etc., not to be confined in 1524 518
county judge may commit persons to, when 241

POPLAR RIVER:
Oconto county, dam across 214 132

POPPLE CREEK:
dam across, Price county 367

PORTAGE:
city charter of, amended 179 167, 286 198 132 23 468 77 158, 527 129
additional powers of council 158
city of, to build a sidewalk from Cass street to Silver Lake cemetery 102
commissioners of public lands authorized to sell certain lots in McFarlane, Dunn and Armstrong's addition to 445
U. S. may locate and construct levee and canal in 434

PORTAGE COUNTY:
state road in, to Stevens Point 116
liens on logs and timber in 3329, 3330 167 62
authorized to borrow money from trust funds of state 85
acts of county board of, in awarding contracts for public printing legalized 213
not necessary that paper be published two years to entitle it to public printing 1130, 1131, 1170 213
state road in ..... †248 248
to correct error in state tax for 1890 for erroneous payment for care of insane 169
may borrow $100,000 to fund railroad indebtedness and issue certificates therefor; duty, etc 231
additional jurisdiction conferred upon county court of 357
state road in, to Stevens Point ..... †249 276
terms of circuit court in 2424 3 8, 380 125
to discontinue state road in town of Pine Grove 250
county printing to be let to lowest bidder 466

PORTAGE LIEDERKRANZ SOCIETY:
conferring additional powers on; issue bonds; have by-laws, etc 164

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1898.
PORT WASHINGTON:											
city of, incorporated					37						
city charter of amended							10		327		
state road from Milwaukee to							462				
may issue improvement bonds									400		
POSTAGE STAMPS:											
departments entitled to	169		199								
for employes of legislature		113	44	32	25 237						
POSTLE, JOHN I., AND SWINGEL, JOHN N., ET AL:											
conferring rights of Grant and Richland County Bridge Co. on (ch. 512, P. and L., 1868)									42		
POSTMASTERS:											
of legislature, pay of											1
POTTER, JOHN JR.:											
appropriation for expenses incurred in sickness and burial of		196									
POTTER'S LAKE:											
Walworth county; to restore waters of, to natural level					6						
POYGAN LAKE:											
Winnebago county, preservation of fish in						297			412	398	
PRAIRIE CHICKEN:											
when not to be killed											108
PRAIRIE DU CHIEN:											
city charter of, amended; boundaries extended		160		166					491		
ferry across Mississippi river at							307				

PRAIRIE RIVER:
Lincoln county, dam across 151
Lincoln county, dam across 255

PRE-EMPTION:
relating to, and repealing sections 196 to 201, inclusive, R. S. 383

PREFERENCE:
to creditors, except for wages of laborers, invalid 349 48

PRESCOTT:
city of, charter amended 148 43 147

PRESCRIPTION:
wires on a private building do not justify a, to a perpetual right 57

PRESIDENTIAL ELECTORS:
to meet second Monday in January 95 1
how designated on ballots, sec. 17 ..... 248 379

PRICE:
of all public lands not yet offered for sale, to fix the minimum 332
reduction in, of certain, in Adams, Juneau, Marquette and Winnebago counties 365

PRICE COUNTY:
created 5 103
tax deeds to be issued in certain cases; form and validity thereof 218
organized for judicial purposes 84
state road through 321 136
state road through 157
terms of circuit court 2424 8 18 165

PRIMARY ELECTIONS:
how held, in Milwaukee county 240
former act as to repealed 7

PRINCIPAL:
sureties may surrender in criminal cases 206
qualifications of, free high schools (See free high schools) 445

PRINTING—(See Public Printing; Columbia County):
in Waupaca county; repealing acts of 1872 and 1876, relating to 66

PRINTING AND BINDING:
fixing schedule for 500

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885	1887.	1889.	1891.	1893.
PRISON:											
persons confined in, need not work in factories on legal holidays, when										206	
same may be allowed spiritual advice and ministration of church to which they belong										300	
PRISONERS—(See Holidays):											
State Board of Supervision may adopt rules for compensating									217		
also for parole of, under general sentence									390		
may be allowed spiritual advice, etc., of church to which they belong										300	
PRIVATE ASYLUM:											
for care of insane or feeble-minded persons; regulation and management of						171		316			
PRIVATE SCHOOLS:											
to promote attendance at, and restrain truancy										187	
PROBATE OF WILLS—(See County Courts; Registers in Probate):											
costs in circuit and county courts on contest				227							
PROCESS—(See Summons):											
justice to name town or city in, where issued	3569							196			
when and how person not an officer, authorized by justice to execute same, with penalty for violation of law, ch. 261, laws 1883								235			
justice to enter names of parties in, the date of issue and date of return before delivering same to any person	3504							372			
how served on foreign railroad corporations extending their lines in this state								304			
how served on aid or benefit associations	2637									252	
to provide for a more efficient service of, on railroads	2637a								552		
sheriff to execute all delivered to him	725									152	
PROCHNOW, THEO.:											
appropriation to											216
PROMISSORY NOTES:											
when payable in curr nt funds, negotiable	1675	194									

days of grace on abolished											87, 246
PROSPECT PARK: record of legalized											20
PROSTITUTE: rape of, penalty	4381									350	
PROTESTANT EPISCOPAL CHURCH: provisions of chapter 91, revised statutes, to apply to	1997	70									
St. Paul's, in city of Milwaukee, not to sell; convey or transfer Forest Home cemetery	1997	259									
PUBLICATION—(County Court, Garnishee): of legal notices; may be in Sunday paper; need not be published on same day in each week		77									
of tax list, in newly organized counties	1130, 1131, 1170	95									
of copy laws; daily papers entitled to compensation for	331			101							
what newspapers paid for publishing	331				302		348				
of laws; index to session laws enacted since 1878 to be published with each volume						51					
to be in Milwaukee Journal	344									3	
matters in county court requiring service of notice by, to be published in newspaper designated by parties interested	4045						394				
PUBLIC ADMINISTRATOR: when to act, authority revoked, when	3819						320	70			
PUBLIC ART GALLERIES: when exempt from taxation								319			
PUBLIC DOCUMENTS—(See Pubic Printing): distribution: of revised statutes	356	45									
of final report of geological survey			301								
to libraries containing 1,000 volumes	351		118								
of blue books	121	141	125		14		118	294	421	338	
of supreme court reports	357					248					
of reports of state officers, institutions, etc						320	425		596	249, 309	
of session laws	359						67				
of dairy and food commissioner									452		
of railroad maps										236	
PUBLIC FUNDS (See Commissioners of Public Lands): investment of, in what bonds lawful	358					32					

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
PUBLIC HEALTH—(See Infectious and Contagious Diseases.) (Asiatic Cholera.):											
act to prevent adulteration and fraud in food, drugs and liquors			248								
analysis of food, drugs and liquors by state analyst				252							
penalty; for bringing dead body into city or village without certificate of physician					168						
act for protection of											270
for transportation of such body					168						
for issuing false certificate whereby infectious disease is concealed					168						
for exposing other persons to infectious diseases					168						
boards of health to be organized in cities, towns and villages; duties of health officers; physicians to notify boards of health of contagious diseases; penalty							167		201		
in city of Milwaukee; penalty for depositing filth in river				206							
duties and powers of boards of public works as to disposal of filth, etc				206						473	
erection of pipes, pumping-works, etc.; assessment of costs and levy of tax				206							
in Milwaukee county; regulation of factories using carcasses or offal of dead animals	1418		18								
relating to preservation of, and relating to sale of ice in city of Milwaukee; penalty									361		
report of state board of										526	
PUBLIC HIGHWAYS—(See Highways):											
villages may acquire for use outside of limits											206
may be placed under town control and taxes raised in money											284
PUBLIC IMPROVEMENT:											
villages may bond for											274
PUBLIC INSTRUCTION—(See Free High Schools; School Districts; State Superintendent; Teachers, etc.):											
PUBLIC LANDS—(See Commissioners of Public Lands):											
certified copies of records to be received as evidence			20				177				
certificate that record is lost presumptive evidence			20				177				

lands mortgaged to state, how redeemed from forfeiture	[2]277	158									
surplus on mortgage sales to be paid to mortgagor		158									
payment of expenses in securing and selecting		175									
copies of records of land department may be certified under lesser seal	186	194									
price of swamp and overflowed lands in Shawano county		212									
when patent issued to deceased person, title to vest in heirs		220									
withdrawal from sale of certain; restoration of same to market, subject to right of overflow			816		255						
school land certificates of sale need not be recorded	215			203							
right to overflow certain, ceded to United States					256						
drainage fund, when distributed	254					264					
redemption of, when may be made on resale	226								483		
not yet offered for sale, minimum price of, fixed						322					
price of, reduced in Adams, Juneau, Marquette and Winnebago counties									365		
penalty for failure to pay taxes on fifteen per cent	1140									182	
lands withdrawn from market, when reoffered, how sold							222				
governor to appoint eight agents for protection of the, of state	238						444			320	
state treasurer to pay amount realized on sale of indemnity lands to town of Caledonia, Columbia county										121	
trespass on, action may be laid in Dane county											69
PUBLIC LIBRARY:											
in city of Milwaukee; amending act of 1878, for establishment of		152			60			521			
endowment funds and real and personal estate or income of, organized in this state exempt from taxation	[3]1038							465			
city of Green Bay authorized to maintain									85		
PUBLIC MONEY:											
to regulate disbursement of, by state institutions, and prescribing penalties for misappropriation thereof			239								
PUBLIC PRINTING:											
reports of state officers, institutions, etc., how printed	333	169					107	63	526	249	
additional copies of reports of Commissioner of Public Lands, Commissioners of Fisheries, State Superintendent of Illuminating Oils, Milwaukee County Insane Asylum and Industrial School for Girls, may be ordered							303 435			309	
governor's message and accompanying documents to be bound, what to contain, distribution of										309	
how prepared for state printer	334	469							526	249	
transactions of Dairymen's Association	[3]330		128			320	435		526	249	
of state conference of charities								63			
printing and distribution of biennial	333 337 339					320			526		
bills, memorials, joint resolutions and journals of legislature										475	1
bulletins, etc., of state veterinarian								76			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1883.	1885.	1887.	1889.	1891.	1893.	
PUBLIC PRINTING—Continued:											
illustrating reports and bulletins of experiment station of the University							146				
Dairy and Food Commissioner								452			
catalogue of State Historical Society, increasing number							436	515			
fish wardens							456 520		436		
game laws							456				
roster							540				
prices for materials	299				288						
schedule for printing and binding								506			
what papers to be paid for publication of copy laws	331			101	302		848				
in Portage county, not necessary that paper be published two years to entitle it to public printing	1130 1131 1170			213							
for state superintendent	166[3]							284			
official state paper	344								8		
PUBLIC WORKS:											
in cities, general incorporation law as to										819	
PUBLIC PROPERTY—(See Superintendent of):											
superintendent of, to make annual report to governor of personal property belonging to state, stationery bought and furnished by him, balances on hand, etc	ch. 19				r177	159					
PUBLIC RECORDS:											
of counties; proceedings when destroyed	661	194									
of Dodge county; to remedy evils consequent upon destruction of, by fire		216									
penalty for mutilation, alteration or destruction of					296		834				
to provide for procuring, on erection of counties and municipalities											
PUBLIC SAFETY:											
to provide for in construction of private and public school houses, churches, hotels, factories and manufacturing establishments						100					

to promote attendance at and restrain truancy										187	
PUBLIC STANDARD OF WEIGHTS AND MEASURES:											
custody of transferred to department of engineering of university	1659					181					
of counties, to be deposited with county treasurer	1660 1661					181					
town board may procure, have tested and deposit with town clerk	1662					181					
PUBLIC STREETS:											
relating to, and bridges between cities, towns and villages	1234					860					
PUBLIC WATERING PLACES:											
persons maintaining to be credited $5 each on highway tax					237	21				191	
size of tank at, and location of same										191	
PUBLIC WORKS:											
relating to duties of clerks of boards of, in the city of Milwaukee			208								
to establish board of, in city of Appleton				323							
PUCKAWAY LAKE:											
preservation of fish in					207						
PUNISHMENT—(See Crimes and Punishments; Penalties).											
QUACKS:											
not to assume professional title; penalty			256								
liability for malpractice			256	40							
refusal to exhibit diploma			256	40							
QUAIL:											
protection of in certain counties										214	
protection of by general laws											106
QUARTERMASTER GENERAL—(See National Guard):										1	
authorized to issue arms to Grand Army posts						271					
relating to report of						203					
may employ clerks subject to governor's approval						459					
governor may fix pay of, for special services when under orders						459					
to furnish outfit for rifle practice to National Guard; also supplies						459					
to purchase overcoats, blankets and uniforms provided for by this act, sec. 6						459					
stationery and postage for use of								382			
duties of, as to Wis. Nat. Guard, laws revised and consolidated, secs. 27-72											202
QUESTIONS:											
to be submitted to voter on challenge								507			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
POLK COUNTY—Continued:											
aid to D. R. W. & So. Ry., how given									223		
term of circuit court in										2	
creating municipal court for										69	
POLL TAXES:											
in villages; assessment and collection of	911			243							
collection of, by overseer of highway	1252			251							
who required to pay	1240					103					
POLLING PLACES:											
arrangement of										379	288
POLLS:											
opening and closing of, at town elections	796			232							
same, in incorporated cities										404	
same, for town officers and judges										407	
number of clerks and inspectors at										446	
at general elections	29			244							
POOL TABLES:											
penalty for allowing minors to play on									406		
license of								321			
POOR:											
relating to granting temporary aid to indigent soldiers, sailors, marines, their wives, widows and minor children, etc	1524							518			
county judge may commit to poor house, when	1502			235						241	
when relatives to support					234						
election of superintendents of, in Iowa county							207				
relating to care of, Milwaukee county											
moneys received by town, village and city treasurers for liquor licenses to be kept separate from other money, and applied solely for support of poor, when	1502					156					

RACINE COUNTY:
preservation of game in
protection of fish in
to discontinue a part of state road in 132
allowing sentences to imprisonment in county jail of, under provisions of chapter 188, of laws of 1879, to be executed in house of correction, Milwaukee county 201
relating to election of directors of Taylor Orphan Asylum 73
granting James Reynolds right to complete drainage of certain swamp lands in
authorizing removal of bodies from Rochester cemetery in
providing for drainage and reclamation of certain lands in
amending petition, service, duty of commissioners, sec. 4
register of probate, in, duties, etc
granting United States jurisdiction over certain lands in

RADEMACHER, P. G.:
appropriation to 212

RAILROAD AID:
certain towns in Polk county authorized to borrow money from trust funds for
question of acceptance of loan to be submitted to the legal voters of such towns
towns, cities and villages in Burnett, Douglas, Pierce, Polk and St. Croix, may grant to Duluth, Red Wing & Southern R'y, how
city of Berlin may grant, to Berlin and Green Lake R'y
town of Jefferson authorized to issue new bonds in aid of Chicago, St. Paul and Fond du Lac and Wisconsin Central Railroad Companies

RAILROAD COMMISSIONER:
salary of clerk of 1797 235
may employ experts to examine bridges, etc 1797 224
to investigate charges within thirty days from date of notice to company 1794
duties of, defined
relating to report of 281
office of, made elective r128 1792
qualifications of
who not eligible as
first term of office, when to commence
to have a deputy
salary of deputy
to compute license fee of palace car companies and certify same to state treasurer
vacancy in office of, how filled 965
to publish railroad map
to furnish railroad map to certain members of legislature

RAILROAD CROSSINGS:
relating to erection of works and fixtures at, to render it safe to cross without stopping 1808

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
PORT WASHINGTON:											
city of, incorporated					87						
city charter of amended							10		327		
state road from Milwaukee to							462				
may issue improvement bonds									400		
POSTAGE STAMPS:											
departments entitled to	169		199								
for employes of legislature		113	44	33	25 237						
POSTLE, JOHN I., AND SWINGEL, JOHN N., ET AL:											
conferring rights of Grant and Richland County Bridge Co. on (ch. 512, P. and L., 1868)									42		
POSTMASTERS:											
of legislature, pay of											1
POTTER, JOHN JR.:											
appropriation for expenses incurred in sickness and burial of		196									
POTTER'S LAKE:											
Walworth county; to restore waters of, to natural level					6						
POYGAN LAKE:											
Winnebago county, preservation of fish in						207			412	398	
PRAIRIE CHICKEN:											
when not to be killed											106
PRAIRIE DU CHIEN:											
city charter of, amended; boundaries extended		160		166					491		
ferry across Mississippi river at							397				

classification of directors of consolidated companies					27							
spur tracks and branch roads, act relating to						270						188
to have insurable interest in property liable to be set on fire	ch. 87 1828a					286						
may sell, transfer and assign lands conferred upon them, to any other railroad corporation	1858					266						
construction of branch roads and spur tracks							276					188
to mines, lumber yards, coal yards, etc	1802										370	
boys not to get on or off moving trains		183										
passengers using indecent or abusive language may be arrested			29									
penalty for using indecent language or boisterous conduct and for gambling on			29									
conductors vested with powers of sheriffs and constables			29									
powers of ticket and freight agents			29									
complaint to be made			29									
to limit speed of trains and locomotives of, in cities and villages											467	
Adams county authorized to grant lands to aid in construction of						300						
State Board of Supervision may license, to build and operate spur tracks									87			
relating to crossings of, stoppage of trains at, etc	1808								107	379		
to provide and keep in conspicuous place on inside and outside of passenger car ax and hand saw, penalty for neglect	1807								249	516		
to keep turn tables locked when not in use										516		
notice to destroy weeds on lands of, how served on									313			
fees of commissioner of Canada thistles for destruction of weeds on lands of, how collected									313			
Clark county authorized to aid Black River Railroad Co				234								
relating to granting certain swamp lands in counties of Marathon, Clark, Chippewa, Shawano and Oconto, to any company that will build a, from county seat to border of either county			261			135						
when liable for past due wages of employes and laborers on becoming successor of a pre-existing corporation								85				
action against any (except appeals in condemnation proceedings), may be brought in any county through or into which it runs	2619[4]							111				
railroad commissioner to investigate charges against, for neglect or violation of law within 30 days after date of notice to company	1794							193		469		
repealing ch. 175, laws of 1861, relating to								856				
may appoint police officers									258			
when foreign railroads may extend their lines into this state									394			
to file copy articles with secretary of state, keep office in state									394			
to carry live stock in mixed car loads, charges and liabilities for	1799								487			
to facilitate negotiations between authorities of, and representatives of various counties, towns and villages, in laying crossings of railroads and highways									493			
service of process on	2627[6]								552			
may build line of road in whole of in part beneath surface of the ground											r222	119
RAILWAY EQUIPMENT:												
conditional sales, etc., of equipment, when valid against subsequent purchasers, etc							274					

Subject Matter of	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
RAILWAY EQUIPMENT COMPANIES:											
powers of						277					
principal place of business may be outside of state; attorney to be appointed upon whom service of process may be made.						277					
RAILWAY SPUR TRACKS:											
providing for laying, to connect various state institutions.								87			
RAILWAY TURN TABLES:											
to be kept locked when not in use									516		
RAMSEY, BERTIN, ET AL:											
dam across Pine river, Forest county										238	
RANDALL, CAMP:											
appropriation to purchase for university											280
RAPE:											
of child under fourteen years	4382							198	368		
of female of the age of twelve years or under	4381 4382								368		
of female of twelve years or more, penalty.	4381									350	
if of previous unchaste character or common prostitute	4381									350	
RASMUSSEN, JAMES J.:											
appropriation to						27					
RAYMOND, J. O.:											
affidavit of sale of mortgaged real estate to be sufficient								233			
REAL ESTATE. (See Descent; Lands; Lands Sold for Taxes; Public Lands, Title of, [illegible] Liens);											
[illegible] of title to, in criminal cases, how shown									206		

judgment rolls, etc., affecting, may be transmitted from county where rendered to county where real estate situate 880
certain defects in conveyances of, cured after being recorded twenty years 404 288
instruments in writing purporting to convey, properly signed, witnessed and sealed, though defectively acknowledged, declared valid 335
authorizing sale and conveyance of, by trustees 448
title to, how quieted when record destroyed 177
description of, in assessment and tax rolls 1047 268
in city of Oconto 105 188 863
of deceased persons, limitations of liens of debts 286
appointment of second referee to sell in case of death, etc 3189 807
to perfect title to certain in city of Monroe, and vest the same in Lewis Davenport 133
title to, by descent (See Descent).
judgments or decrees affecting, to be entered in separate book by clerk of courts 200
to be lien on, from time of docketing 200
when lien of mechanic to attach to, of owner on whose premises improvements are made 3314 349
penalty for taking and carrying away things annexed to 99
title to, by decent, how established 192 227 28
penalty for failure to give notice of encumbrance on, to purchase before consideration is paid on sale of 244
affidavit of sale of, on foreclosure by advertisement, made by any one having knowledge of same, when 3586 207
relating to, of guaranty companies, for purpose of guaranteeing owners of, against loss, etc 1771 352
of public library associations, exempt from taxation 1033 465
how long power of alienation my be suspended 2088 551
actions relating to 3186 88
evidence of, by descent 28

REASSESSMENT:
of benefits in construction of drains when original assessment declared void 187
of taxes, may be made within three years after original assessment held void 1067 255
judgment after reassessment, in action to recover taxes 1164a 255
validity of reassessment attacked 1164a 255 132
what errors not to affect tax r1164b 255
tender in actions to avoid tax or tax proceedings r1210a, r1210c 255
how validity of reassessment may be attacked; subsequent reassessments may be had 1210b 255 128 283 219
order, if reassessment held valid, costs 1210b 255 128

RECEIVER:
married woman who is attorney of court of record, not disqualified by coverture from acting as 84

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
RECEIVERS:											
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punishment for mutilation, alteration or destruction of public					206						
perpetuation of, in state land office							177				
of school districts, when lost or destroyed, restoration of									479		
of instruments, defective legalized										288	26
RED CEDAR RIVER:											
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rate of interest on same, reduced										184	
county clerks to give notice of expiration of time to redeem from tax sales	1170						306	410			
when to forfeit for penalty in not publishing notice	1170							186			
publication of list of omitted lands; when	1173									290	

... made on resale of public land	225								483		
on conditional sale of furniture, etc									518		
REDEMPTION MONEY:											
remaining in hands of county clerks more than six years, disposal of			220	80							
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city of, incorporated								128			
charter amended									130	22	
REFEREE:											
appointment of second referee to sell real estate, how made, in case of death, etc., of	3189				397						
to try causes, to be paid by county, when	2864										68
trial by regulated	2865 3070										242
REFORMATORY INSTITUTIONS:											
appropriation to											152
REFUNDING:											
of municipal indebtedness											312
REGENTS OF NORMAL SCHOOLS:											
report of									526		
appropriation to, for extending buildings at Whitewater and Platteville; plans to be adopted by, etc										409	
may establish, build and equip a sixth normal school										402	
REGENTS OF UNIVERSITY—(See University of Wisconsin):											
Cadwallader C. Washburn made honorary life member of board of	378	65									
president of university a member									289		
gifts to university may be made to										193	
appropriation to, for waterworks				281							
relating to report of							303		526		
authorized and required to procure necessary equipment, apparatus, etc. to properly equip new buildings so far as may be, from insurance money on property destroyed								332			
science hall, etc., appropriation to, for							332	25 500			
to report to governor results of experiments at observatory, etc									174		
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may appoint deputies, powers, duties of	756								18		
when tract indexes may be discontinued by	762			149							
fees of, for registering marriages, etc., by whom paid	764			278							
to record lists of lands taken for streets, etc., in cities and villages, fees				r319			237				
to provide a book or registry of veterinary surgeons—fees for registering names								347			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
PUBLIC PRINTING—Continued:											
illustrating reports and bulletins of experiment station of the University								146			
Dairy and Food Commissioner									452		
catalogue of State Historical Society, increasing number								436	515		
fish wardens								456 520		436	
game laws								456			
roster								540			
prices for materials	299				288						
schedule for printing and binding									506		
what papers to be paid for publication of copy laws	331			101	302		348				
in Portage county, not necessary that paper be published two years to entitle it to public printing	1130 1131 1170			213							
for state superintendent	166[3]								284		
official state paper	344									8	
PUBLIC WORKS:											
in cities, general incorporation law as to											312
PUBLIC PROPERTY—(See Superintendent of):											
superintendent of, to make annual report to governor of personal property belonging to state, stationery bought and furnished by him, balances on hand, etc	ch. 10				r177	159					
PUBLIC RECORDS:											
of counties; proceedings when destroyed	661	194									
of Dodge county; to remedy evils consequent upon destruction of, by fire		216									
penalty for mutilation, alteration or destruction of					290						
to provide for procuring, on erection of counties and municipalities							334				
PUBLIC SAFETY:											
to provide for in construction of private and public school houses, churches, hotels, factories and manufacturing establishments							100				

SCHOOL DISTRICTS—(See Free High Schools, School Districts, Teachers, etc.):											
to promote attendance at and restrain truancy										187	
PUBLIC STANDARD OF WEIGHTS AND MEASURES:											
custody of transferred to department of engineering of university	1639						181				
of counties, to be deposited with county treasurer	1600 1601						181				
town board may procure, have tested and deposit with town clerk	1662						181				
PUBLIC STREETS:											
relating to, and bridges between cities, towns and villages	1224						880				
PUBLIC WATERING PLACES:											
persons maintaining to be credited $5 each on highway tax						237	21			191	
size of tank at, and location of same										191	
PUBLIC WORKS:											
relating to duties of clerks of boards of, in the city of Milwaukee				208							
to establish board of, in city of Appleton					823						
PUCKAWAY LAKE:											
preservation of fish in						207					
PUNISHMENT—(See Crimes and Punishments; Penalties).											
QUACKS:											
not to assume professional title; penalty				256							
liability for malpractice				256	40						
refusal to exhibit diploma				256	40						
QUAIL:											
protection of in certain counties										214	
protection of by general laws											106
QUARTERMASTER GENERAL—(See National Guard):										1	
authorized to issue arms to Grand Army posts							271				
relating to report of							203				
may employ clerks subject to governor's approval							439				
governor may fix pay of, for special services when under orders							439				
to furnish outfit for rifle practice to National Guard; also supplies							439				
to purchase overcoats, blankets and uniforms provided for by this act, sec. 6							439				
stationery and postage for use of									882		
duties of, as to Wis. Nat. Guard, laws revised and consolidated, secs. 27-72											202
QUESTIONS:									507		
to be submitted to voter on challenge											

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
QUIETING TITLE:											
actions as to	3186										88
QUINCY:											
town of, Adams county, authorized to aid in the construction of a bridge across Wisconsin river						186					
RACINE:											
city charter of, amended		59	180	123	183	77 246	226	122		40	
authorized to build a stationary bridge across Root river									10		
authorized to operate an electric light plant; question to be submitted to voters									101		
authorized to borrow money for support of poor		62									
to issue bonds to readjust its corporate debt		99									
granting United States jurisdiction over certain land in										240	
authorized to use any available funds to pay corporate debt										54	
may issue bonds to refund debt										54	
authorized to increase salaries of harbormaster and bridge tenders			99								
authorized to make a transfer from any available fund to poor fund			154								
authorized to purchase additional cemetery grounds			166								
authorized to make contracts extending time of payment of [illegible] of corporate debt, at a reduced rate of interest					68						
relating to mortgages to school fund in school section addition to				180							
authorized to transfer balance of special cistern fund to credit of various wards					96						
authorized to transfer certain funds to pay part of damages upon opening of Kewaunee street						15					
authorized to borrow money for building bridges and school houses						86					
authorized to grant franchises to private water companies and contract for use of water therefrom						246	108				
to alter state road between, and Waukesha								467			
authorized to expend money to protect lake shore levied under provisions of [illegible]											

RACINE COUNTY:											
preservation of game in							47	528		214	
protection of fish in										454	
to discontinue a part of state road in			132								
allowing sentences to imprisonment in county jail of, under provisions of chapter 188, of laws of 1879, to be executed in house of correction, Milwaukee county					20;						
relating to election of directors of Taylor Orphan Asylum						73					
granting James Reynolds right to complete drainage of certain swamp lands in										202	
authorizing removal of bodies from Rochester cemetery in										102	
providing for drainage and reclamation of certain lands in								169	329	224	
amending petition, service, duty of commissioners, sec. 4									329		
register of probate, in, duties, etc								254		200	
granting United States jurisdiction over certain lands in										240	
RADEMACHER, P. G.:											
appropriation to											212
RAILROAD AID:											
certain towns in Polk county authorized to borrow money from trust funds for							143				
question of acceptance of loan to be submitted to the legal voters of such towns							143				
towns, cities and villages in Burnett, Douglas, Pierce, Polk and St. Croix, may grant to Duluth, Red Wing & Southern R'y, how									228		
city of Berlin may grant, to Berlin and Green Lake R'y									356		
town of Jefferson authorized to issue new bonds in aid of Chicago, St. Paul and Fond du Lac and Wisconsin Central Railroad Companies								271			
RAILROAD COMMISSIONER:											
salary of clerk of	1797		235								
may employ experts to examine bridges, etc	1797			224							
to investigate charges within thirty days from date of notice to company	1794						193		459		
duties of, defined									459		
relating to report of							808		526		281
office of, made elective	1128 1792			300							
qualifications of				300							
who not eligible as				300							
first term of office, when to commence				300							
to have a deputy						43					
salary of deputy									281		
to compute license fee of palace car companies and certify same to state treasurer							415				
vacancy in office of, how filled	965									84	
to publish railroad map										256	
to furnish railroad map to certain members of legislature										447	
RAILROAD CROSSINGS:											
relating to erection of works and fixtures at, to render it safe to cross without stopping	1808							107	879		

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
RAILROAD CROSSINGS—Continued:											
when stop at, or draw not required									379		
to restore highway to former usefulness	1836										167
RAILROAD LICENSE FEE:											
part of, devoted to department of mechanical arts, university									282		
RAILROAD MAPS:											
appropriation for purchase of					161						
to provide for annual publication; appropriation						258		22	373	256	
distribution of						258		22	373	256	
to be furnished certain members of legislature by commissioner of railways										447	
RAILROADS—(See Street Railroads):											
to erect and maintain blocks or guards at frogs in tracks; penalty									123		
municipal subscription to stock of; how notice of presentation of petition to tax payers given	946					333					
license fees; settlement of arrearages for licenses issued prior to 1876		25									
payment of, by St. Cloud, Grantsburg & Ashland Railroad Co.		197									
company building certain lines across northern Wisconsin to be exempt from payment of, for ten years			200								
fences on; what deemed sufficient			107								
of barbed wire, how made	1810			193							
Pine River Valley and Stevens Point Railroad Co., exempt from laws relating to, for ten years		153									
not liable to servants for negligence of fellow servants	r1816		232						438		
when made liable for injuries to employes of									438		
to keep right of way clear of brush, etc., for twenty feet each way at intersection of highways; penalty									512		
not liable for damages to owners on both sides of streets, highway or alley taken for use by, for tracks heretofore laid									255		
liens for labor for contractor; when notice of claim may be served	1815			318							
unjust preference, advantage or monopoly not to be given to persons doing business at more than one station	1829*					185					
consolidation of; purchase of franchise, immunities, etc.	1834		260		268	293					

classification of directors of consolidated companies				27								
spur tracks and branch roads, act relating to					270							188
to have insurable interest in property liable to be set on fire	c/i.87 1828a				286							
may sell, transfer and assign lands conferred upon them, to any other railroad corporation	1858				266							
construction of branch roads and spur tracks						276						188
to mines, lumber yards, coal yards, etc	1802										370	
boys not to get on or off moving trains		183										
passengers using indecent or abusive language may be arrested			29									
penalty for using indecent language or boisterous conduct and for gambling on			29									
conductors vested with powers of sheriffs and constables			29									
powers of ticket and freight agents			29									
complaint to be made			29									
to limit speed of trains and locomotives of, in cities and villages											467	
Adams county authorized to grant lands to aid in construction of					300							
State Board of Supervision may license, to build and operate spur tracks									87			
relating to crossings of, stoppage of trains at, etc	1808								107	379		
to provide and keep in conspicuous place on inside and outside of passenger car ax and hand saw, penalty for neglect	1807								249	516		
to keep turn tables locked when not in use										516		
notice to destroy weeds on lands of, how served on									313			
fees of commissioner of Canada thistles for destruction of weeds on lands of, how collected									313			
Clark county authorized to aid Black River Railroad Co				234								
relating to granting certain swamp lands in counties of Marathon, Clark, Chippewa, Shawano and Oconto, to any company that will build a, from county seat to border of either county			261		135							
when liable for past due wages of employes and laborers on becoming successor of a pre-existing corporation							85					
action against any (except appeals in condemnation proceedings), may be brought in any county through or into which it runs	2619[4]						111					
railroad commissioner to investigate charges against, for neglect or violation of law within 30 days after date of notice to company	1794						193			469		
repealing ch. 175, laws of 1861, relating to							356					
may appoint police officers									258			
when foreign railroads may extend their lines into this state									394			
to file copy articles with secretary of state, keep office in state									394			
to carry live stock in mixed car loads, charges and liabilities for	1799								487			
to facilitate negotiations between authorities of, and representatives of various counties, towns and villages, in laying crossings of railroads and highways									493			
service of process on	2627[6]								552			
may build line of road in whole of in part beneath surface of the ground											[7]222	119
RAILWAY EQUIPMENT:												
conditional sales, etc., of equipment, when valid against subsequent purchasers, etc						274						

Subject Matter of	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
RAILWAY EQUIPMENT COMPANIES:											
powers of						277					
principal place of business may be outside of state; attorney to be appointed upon whom service of process may be made.						277					
RAILWAY SPUR TRACKS:											
providing for laying, to connect various state institutions.								87			
RAILWAY TURN TABLES:											
to be kept locked when not in use									516		
RAMSEY, BERTIN, ET AL:											
dam across Pine river, Forest county										238	
RANDALL, CAMP:											
appropriation to purchase for university											260
RAPE:											
of child under fourteen years	4389							198	303		
of female of the age of twelve years or under	4381 4389								303		
of female of twelve years or more, penalty	4381									350	
if of previous unchaste character or common prostitute	4381									350	
RASMUSSEN, JAMES J.:											
appropriation to						27					
RAYMOND, J. O.:											
affidavit of sale of mortgaged real estate to be sufficient								233			
REAL ESTATE. (See Descent; Lands; Lands Sold for Taxes; Public Lands, Title of. Conveyance; Liens):											
[illegible] title to, in criminal cases, how shown									206		

judgment rolls, etc., affecting, may be transmitted from county where rendered to county where real estate situate
certain defects in conveyances of, cured after being recorded twenty years
instruments in writing purporting to convey, properly signed, witnessed and sealed, though defectively acknowledged, declared valid
authorizing sale and conveyance of, by trustees
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of school districts, when lost or destroyed, restoration of	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
of instruments, defective legalized	.....	.....	.....	.....	.....	.....	.....	.....	472	288	96
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when not liable for penalty in not publishing notice	1170	.....	.....	.....	.....	.....	.....	186	.....	.....	.....
publication of list of omitted lands; when	1179	.....	.....	.....	.....	.....	.....	.....	.....	220	.....

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	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
REGISTER OF DEEDS—Continued.											
may take acknowledgment of conveyances	2216	.....	129	.....	.....	.. ..	.....	.....	.....	.....	.....
fees of, in counties exceeding 150,000 in population	.....	.....	.....	.....	.....	.....	.....	.. ...	.....	374	.....
fees of, making statement of births and deaths, etc	1026	.....	.....	.....	.....	.....	.....	.....	342	.....	.....
fees of in Milwaukee county	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	203
of Outagamie county; to keep up abstract of title	.....	....	.....	200	.....	.....	.....	.....	.....	.....	.....
of Oconto county; to keep assessor's books of real estate in city of, in office	.....	.....	.. ...	.....	.....	.....	188	.....	.... .	.....	.....
REGISTERS IN PROBATE:											
to keep office at county seat	700	.....	.....	.....	.....	.....	.....	.....	... ..	157	.....
Brown county; appointment of	... .	.....	.....	.....	.....	.....	106	.....	.....	.....	... .
Dane county; appointment of	.....	....	.....	.....	82	.....	.....	.....	.....	.....	.....
duties, salary	.....	.....	.....	.....	.. ...	. ..	.....	393	.....	78	. ....
Dodge county; appointment of, etc	... .	.....	. ..	.....	.....	.....	.....	.....	337	.. ..	.....
Dunn county; appointment of	.....	.....	.....	.....	.....	.....	.....	220	... ..	.....	.....
Fond du Lac county, appointment of	.....	.....	.....	.....	.....	157	.....	.....	.....	64	.....
Kenosha county clerk circuit court to be	....	... ..	.....	.....	.....	.....	.....	.....	.....	208	... ..
Green Lake county; appointment of	.....	.....	.....	.....	.....	40	.....	.....	.....	.....	.....
La Crosse county; appointment of	.....	.....	.....	.....	.....	17	.....	553	... ..	.....	.....
Milwaukee county; appointment of	2163	.....	183	....	.. ..	.....	.....	553	.....	.....	.....
when assistant may be appointed	2133	.....	183	.....	.....	17	.....	553	.....	.....	.. ..
may sign orders directing notice	.....	.....	.....	.....	178	.....	.....	.....	.....	.....	.....
Outagamie county; appointment of	.....	.....	.. ..	.....	.....	.....	.....	234	...	200	.....
Racine county; appointment of	.....	.....	.....	.....	.....	.....	.....	19	.....	43	.....
Rock county; appointment of	.....	.....	.....	.....	.....	.....	.....	280	.....	.....	.....
St. Croix county; appointment of	.... ..	.....	.....	.....	.....	.....	.....	.....	61	.....	.....
repealed	.... .	.....	. ..	.....	.....	.....	.....	.....	201	.....	.....
Walworth county; appointment of	.....	.....	.....	.....	.....	.....	.....	201	.....	.....	.....
Winnebago county; appointment of	.....	.....	.....	.....	.....	.....	.....	†202	†214	125	.....
salary	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
REGISTRATION—(See Electors):	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	...
of pharmacists	.....	.....	. ..	.....	207	.....	.....	.....	.....	.....	.....
of dentists	.....	.....	.....	.....	.....	.....	139	102	.....	.....	.....
of nurses, etc; fees for, by whom paid	101	.....	.....	201	.....	.....	.....	.....	.....	.....	.....

of electors; at charter elections in city of Milwaukee ... r233 r36 95
in cities of over 25,000 inhabitants... 235
in cities of over 20,000 inhabitants... 339
in towns containing villages of 1,500 inhabitants ... 203 234 278
nonregistered electors, how may vote... 24 315 404 288
city of La Crosse excepted from provisions of law relating to... 20 21 22 23 24 r333 310
provisions of, made applicable to Florence county... 182
of electors to apply to municipal and judicial elections... 499
must be in cities of not less than 3,000 or more than 20,000 in order to vote... 548
submission of constitutional amendment relating to... 272
of deaths, when certificate to be filed by health officer... 1024 264
REGISTRAR:
of vital statistics, when may be appointed... 233
RELATIVES:
when to support poor persons... 1502 265
RELIEF:
of indigent union soldiers, sailors, marines, their wives, etc., duty of county board... 304 329 250
RELIEF ASSOCIATIONS—(See Secret and Benevolent Orders):
organization of firemen's and policemen's, in cities... 1987 168 287
increasing amount of property which may be held by... 328
RELIGIOUS SOCIETIES:
provisions of chapter 91, revised statutes, to apply to Protestant Episcopal church 1997 70
organization under revised statutes of 1858, legalized... 2091 94
incorporation of, in connection with Congregational churches... 231 174
provisions of chapter 91, revised statutes, not to apply to Roman Catholic church ch. 91 37
incorporation of congregations of Roman Catholic church... 37 313
may organize insurance companies for purpose of insuring church property... 77
RELIGIOUS FREEDOM:
persons committed to prison, etc., shall be allowed spiritual advice and ministration of church to which they belong... 300
when may hold and improve lands for purposes of revenue... 1992 70
trustees, who may be members of, officers may contract debts, execute notes and mortgages, when defunct to vest in bishop... 313
may provide for holding regular and special meetings, etc... 1992 312
classification of trustees... 79
Methodist Episcopal church... 1997 885
may organize insurance company... 346

Subject Matter of Law.	Revised Statutes amend or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
RELIGIOUS FREEDOM—Continued:											
organized under laws of this state are charitable corporations under section 2039, R. S., 1878	2039									359	
gifts, grants and devises of real estate to, void unless made three months bnfore death of person making same	2039									359	
testator leaving widow, child or parent may not devise or bequeath more than one-half estate to	2039									359	
RELIGIOUS MISSIONARY SOCIETIES:											
to provide for incorporation of							275				
form of certificate to be signed and acknowledged by members of							275				
REMOVAL OF CAUSES—(See Change of Venue):											
from courts of justice of the peace, when and how made	3616					107		197			
from state to United States courts by foreign life and accident insurance companies license to be revoked	1947						101				
REMOVAL OF DEAD:											
authorized, from Sylvan Grove cemetery, Fond du Lac											107
REPEAL—(See Appendix "A" and "B"):											
REPLEVIN—(See Justices' Courts):											
notice, affidavit and undertaking by plaintiff, with proof of service, to be filed	2728					6					
undertaking by defendant to be delivered to plaintiff or filed	2728					6					
REPORTERS—(See Phonographic Reporters):											
for municipal court of Milwaukee county											105
REPORTS:											
providing for illustrating the, and bulletins of Agricultural Experiment Station of University	ch. 19				r177	159		146			
of superintendent of public property, to be made annually	376	194							516		
of state historical society											

of state officers, institutions, etc.; receipts and disbursements to be given in full..	333	160					303		526	249	
	334										
to be made biennially	r336										
	r337					320			526		
	r339										
statement of finances to be published in alternate fiscal years	r339					320			526		
of Wisconsin Agricultural Society; printing and distribution	r339		r200			320	435		526	249	
of Wisconsin Dairymen's Association; printing and distribution	r339		r128			320	435		526	249	
of national guard; printing and distribution							401		526		
of State Horticultural Society; printing and distribution	r339					320	435		526	249	
of department of agriculture in university; printing and distribution	r339					320	435		526	249	
of results of experiments by, separate publication of				121					174		
of experiments in amber cane and ensilage in 1882; publication and distribution						28					
of Washburn observatory; separate publication of				121					174		
of Wisconsin Wool Growers' Association; appropriation for publishing				69							
of state analyst to state board of health			252								
of state board of health											231
of state treasury agent									172		
of dairy and food commissioner									452		
of regents of normal schools									526		
of regents of university									526		
of Northern Wisconsin Agricultural and Mechanical Association	r339					320					
of state board of health; appropriation for publication, etc		16					107		526		
of state board of supervision				298					526		
of state veterinarian, sec. 7								76			
monthly report of institutions under charge of state board of supervision				298							
of bureau of labor statistics						319	303		526		
of geological survey; distribution of		79	301		315						
of supervisors and inspectors of illuminating oils			269	288					526	309	
of school officers; of district clerk, when made and what to contain	452	107			72				155		
when to be made, etc	554										215
of town clerk; when made and what to contain	463				72				156		
of county superintendent; when made and what to contain	464				72				154		
of secretary, under township system; when made and what to contain	537				72						
of supreme court, public libraries of 5,000 volumes entitled to	357					248					70
relating to pauperism and crime; by county and town clerks			271								
trust companies to make annual to secretary of state								158		263	
of secret and benevolent insurance associations									334		
of druggists' mutual insurance companies									523		
of foreign building and loan associations									525		
additional copies of certain, may be ordered bound										309	
governor's message and accompanying documents to be bound in cloth; distribution of										309	
RESALE OF PUBLIC LANDS.											
where redemption on, to be made									483		

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
RETIRED LIST:											
providing for, Wisconsin National Guard										455	
REVIEW:											
on appeal, supreme court to, disregarding exceptions											242
REVISED STATUTES—(For amendments to, since 1878, see Appendix "A"):											
distribution of	356	45									
printing and distribution of, approved		194									
one hundred copies delivered to secretary of state declared conclusive evidence of contents		194									
two certified copies to be deemed originals		194									
other printed copies to be presumptive evidence of contents		194									
REVISION:											
of school code, appropriation for											178
REVOLVERS:											
sale to and use by minors prohibited						329					
intoxicated persons not to go armed						329					
REWARDS:											
sheriff may offer for apprehension of offenders, etc								67			
REYNOLDS, JAMES ET AL.:											
may complete drainage of certain swamp lands in Waukesha and Racine counties, and to confirm his title thereto; when										202	
RIB LAKE:											
to erect town of, from Westboro and Chelsea							348				
RICE:											
town of, territory added to											287
RICE BED STREAM:											
dam across, Polk county	2070							218			242

RICE CREEK:												
Barron county, navigable for steamboats											431	
RICE LAKE:												
city of, incorporated									257			
charter amended										47 414	44	
authorized to issue bonds for county buildings and to convey same to county											390	
RICHARDSON, H. STONE:												
appropriation to										194		
RICHFORD CEMETERY ASSOCIATION:												
to purchase certain lands						226						
RICHLAND CENTER:												
to incorporate city of									74			
charter amended										80 81 355		
RIFLE PRACTICE—(See National Guard):												
outfit for, to be purchased, (sec. 80)												292
RIPON:												
city charter of amended			72 286	81 82	99	106	81	64				
providing for consolidation of joint school districts numbers 2 and 5 of city and town of, and for support and management of public schools therein				98			125					
authorizing union school district of city and town of, to borrow money					7							
same											7	
election of aldermen in city of						106		64				
relating to municipal court of			216		150							
authorized to purchase steam fire engine							15					
to purchase real estate and borrow money from trust fund to build city hall								4				
may purchase real estate										213		
submitting question of water works to voters of								r100		325		
repeal of above										325		
RIPON AGRICULTURAL ASSOCIATION:												
authorized to dispose of its grounds								227				
RIPON COLLEGE:												
charter amended, increasing limit of income												27
RIVER FALLS:												
to incorporate city of							105					
to amend charter of										59		

Subject Matter of Law.	Revised Statutes amended or repealed: No. of section.	General Laws—Years, Chapters and Amendments. 1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
RIVERS.—(See Navigable Waters): in city of Milwaukee; relating to expense of redredging of							102				
RIVERS AND FLOATS: construction as to slides, and chutes, of dams in Wisconsin and Black Rivers and their tributaries	1601 1602			239							
logs, timbers, etc., drifted on shore, when and how removed (see Floats)	1000 ch. 70			232							
ROAD COMMISSIONERS: action of, in laying out state road in Kewaunee county, legalized				154							
ROADS: providing for sprinkling of, in towns								276			
lien for building road bed and structure	3314								209		
may be put under control of town board											284
ROAD SUPERINTENDENTS: town boards may appoint											284
ROADS AND BRIDGES.—(See Bridges; Highways; Plank and Turnpike Corporations):											
ROBERTS, CHARLES, A.: acts of, as justice of the peace, legalized						125					
ROBINSON CREEK: Jackson county, improvement of, for log driving purposes						317		251			
ROCHESTER CEMETERY COMPANY: authorized to remove certain bodies										108	

ROCK COUNTY:											
sale in, of untested petroleum fluid, not prohibited	4359	189									
discontinuing part of state road in			139								
re-establishment of municipal court in; powers and jurisdiction; election and salary of judge; practice, etc				197	101					315	
appeal from justices and police justices, may be taken to, or to circuit court								237		315	
judge may appoint phonographic reporter								237			
fees of jurors in								237			
register of probate in								19		43	
license money in, how to be disposed of								417			
terms of court in								67			
ROCK CREEK:											
Clark county, dam across					270						
ROCKLAND MUTUAL FIRE INSURANCE COMPANY OF MANITOWOC COUNTY:											
legalizing acts of										384	
ROCK FALLS:											
town of, Lincoln county; boundaries defined		170		116							
ROCK LAKE:											
Jefferson county; preservation of fish in										213	
ROCK RIVER:											
Jefferson county; town of Jefferson to build a bridge across			2								
Rock county, bridge across at Beloit				70							
city of Beloit, to maintain a bridge across						67					
towns of Rock and Beloit authorized to construct bridge across								422			
to prevent obstruction of flow of water in, within Rock county								423			
towns of Farmington and Watertown authorized to construct bridge across									65		
town of Watertown authorized to construct bridge across										76	
owners of dams in, to construct fishways										345	
ROCKY RUN:											
canal between, and Little Yellow											261
ROPLESTON, L. S.:											
acts of, as county clerk of Columbia county, legalized			69								
ROLLING:											
town of, Langlade county, boundaries defined				7							
ROMAN CATHOLIC CHURCH:											
excepted from provisions of ch. 91, R. S	ch. 91					87					
incorporation of congregations of					37					313	
trustees of, members, officers, may contract debts, when corporation defunct to vest in bishop										313	2

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882	1883.	1885.	1887.	1889.	1891.	1893.
ROOT RIVER:											
O. R. Johnson, et al, authorized to construct a bridge across, Racine county							403				
may charge tolls							403				
ROSENKRANS, O. L.:											
appropriation to											211
ROSTER:											
providing for publication and distribution of second edition of, governor may order, adjutant general to distribute								540			
governor and adjutant-general to compile a, similar to other states pertaining to war of rebellion							244				
appropriation therefor							244				
purchase of stereotype plates of							244				
ROSSMAN, PHILLIP,											
appropriation to										209	
ROYAL ADELPHIA:											
exempt from provisions of general insurance laws								42		477	
ROYAL ARCANUM:											
not life insurance company within meaning of general laws										477	
ROYAL LEAGUE:											
exempt from provisions of insurance laws of state								534		477	
RUCHERT, FRED:											
to build a pier in Green Bay, Door county						76					
RULES OF PRACTICE:											
in circuit and county courts, committee to revise, to employ a clerk		6									
RYAN, CAROLINE W.:											
[illegible]				801							

SAFES:
for town clerks, when town boards to procure 114

SAFE DEPOSIT COMPANIES:
organization and management of 263

SAFFORD, MARY:
and another to maintain piers, docks and wharves in Bay of Superior, Douglas county 206

ST. CLARA FEMALE ACADEMY:
charter of, amended 127

ST. CLOUD, GRANTSBURG AND ASHLAND RAILWAY COMPANY:
payment of license fee by 197

authorized to build a bridge across St. Croix river, Burnett county 265, 315

ST. CROIX COUNTY:
terms of circuit court in ..... 2424 ..... 135 326
amending act of 1887, relating to preservation of trout in 38
time of holding annual meeting of county board of, changed 93
state road in, to Deer Park 304
county board of, to apportion indebtedness chargeable to town of Glenwood, from that of Emerald 98
repeal of chapter 200, 1878, protection of game in 40
empowering, making and filling list of jurors for 1887, by sheriff and clerk 263
register of probate for, powers and duties r289
repealed 61
aid to D. R. W. & S. R'y in, how given 223

ST CROIX FALLS, TOWN OF:
authorized to borrow from trust funds, to aid in building railroad 143

ST. CROIX LAKE:
boom in 319
ferry across at Hudson ..... 174, 275 ..... 267 168

ST. CROIX RIVER:
jurisdiction in, asserted by state 215 478
extending time for maintaining a certain ferry across 68
ferry across, at Osceola Mills 320
ferry across, Polk county 139
extending time for maintaining a certain ferry across 48
Polk county, dam across 224 478
not to collect tolls for passing logs over or through, section 13 ..... 215 478

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
ST. CROIX RIVER—Continued:											
granting certain rights and boomage privileges on									215	478	
dams across, and Moose river, T. 42, R. 13									446	111	
Burnett county, St. Cloud, Grantsburg and Ashland Railroad Company to build a bridge across						205 315					
ST. CROIX RIVER AND LAKE: extending time for completion of certain booms in			226								
ST. CROIX TRESPASS FUND: to be apportioned to corporations holding patents of land					198						
ST. GERMAN CREEK: Lincoln county, dam across						353					
ST. LAWRENCE: town of, Waupaca county, authorized to borrow from trust funds of state	161										
ST. LOUIS RIVER: Douglas county, piers and booms in				209							
ST. PAUL AND CHICAGO SHORT LINE RAILWAY COMPANY: to build a bridge across Lake St. Croix, at or near Prescott			226								
ST. PAUL EASTERN GRAND TRUNK RAILWAY COMPANY: to build a bridge across Wolf river, Shawano county						120					
legalizing proceedings on part of Oconto county in purchasing stock of								151			
ST. PAUL'S PROTESTANT EPISCOPAL CHURCH: in city of Milwaukee; not to sell or transfer Forest Home cemetery or any part thereof		259									
SALARIES: of county officers, payable monthly	604										
of commissioner of insurance				300							450

of deputy insurance commissioner						43					
of commissioner of bureau of labor statistics						319	247				
of railroad commissioner's clerk	1797		235		298						
of members of state board of supervision											
of deputy railroad commissioner						43			281		
of clerks and employes of the legislature	112				314	346	94 408	7	522	475 885	
of assistant librarian of state historical society	375			279			31				
extra clerk, state superintendent								358	157	465	
of judicial officers; not to be increased or diminished during term of office						180	260				
of judge and clerk of municipal court of Milwaukee county, how payable	2513	200						378			
of judge and clerk of municipal court of Dane county	2523		27							366	
of judge third municipal court Barron county										417	
of phonographic reporters for circuit and county courts of Milwaukee county						1					
of register in probate; in Dane county					32			303			
in Fond du Lac county						357					
in La Crosse county						40					
in Milwaukee county			183					553			
in Outagamie county					178						
in Brown county							166				
of county judge, Winnebago county								471			
of judge of municipal court, Rock county				197							
of chief clerk of state superintendent					87						
of corresponding secretary and librarian of state historical society							31				
of state librarian							170				
of proof reader to supreme court reporter								61			
of circuit judges, and to repeal part of sec. 170, R. S							246				
allowed $400 annually for expenses									263		
of deputy commissioner of bureau of labor statistics, clerk and factory inspector							247				
when deficiency in, of circuit court reporters, to be paid out of state treasury	2438								128		
of county officers to be fixed by county board							200				
of chief engineer fire department and deputy city clerk of Milwaukee							419				
of county officers	694					100					
of sheriffs, for services for county, may be fixed by county board				53							
of deputy sheriffs in Milwaukee county					207						
of members of the board of supervisors of Milwaukee county					104						
of chief of police of Milwaukee			56								
of harbor master and bridge tenders in city of Racine increase			99								
of state fish and game warden										431	
SALES—(See Conditional Sales):											
of intoxicating liquors: (See Intoxicating Liquors)											
of lands, by executors and administrators; what petition for license to contain	3875		65								
same, publication of notices of hearing on petitions for, time extended	3876 3877									342	
guardians for unknown heirs or owners	3878		65		1						

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SALES—(See Conditional Sales.)—Continued:											
of lands of wards by guardians	3998									342	
time of hearing petition for, to be not less than four nor more than nine weeks	3998									342	
notice of, to be published three weeks	3999									342	
to prevent fraud in, of goods, wares and merchandise										342	
of real estate by trustees, authorized							448				
affidavit of J. O. Raymond, of certain mortgaged premises in Portage county sufficient								233			
SANBORN & BERRYMAN'S SUPPLEMENT TO REVISED STATUTES—(See Annotated Statutes of Wisconsin):											
appropriation for purchase of certain number of copies of							269	24	15		
SANBORN & BERRYMAN'S ANNOTATED STATUTES—(See Annotated Statutes):											
appropriation for purchase of; distribution of same										205	53, 299, 267
same, for certain members and employes of assembly										352	
SAND CREEK:											
dam across, Barron county							180				
SAND LAKE:											
town of, created in Forrest county							436				
SAND RIVER:											
Bayfield county, dam across											302
SANGER, ROCKWELL & CO.:											
appropriation to									504		
SATISFACTION OF MORTGAGES:											
when mortgagee required to execute	[illegible]					100					

SAUK CITY:
to legalize acts of village board of, in issuing bridge bonds in 1882 249

SAUK COUNTY:
preservation of trout in 129
act of 1870, for protection of fish in Baraboo river, repealed 224
protection of fish in Dell creek 272
protection of fish in Devil's lake 111 208 213
proceeds of sales of swamp and overflowed lands in, to belong to county; expenditure thereof 322 90 202
time for holding fall term of circuit court in, changed 125
terms of circuit court in 6
portion of Dell creek declared to be navigable 87

SAUKVILLE, TOWN OF:
may issue bonds to build a bridge 35

SAULT STE. MARIE & SOUTHWESTERN RY.:
authorized to build a bridge:
across Eau Claire river 205
Chippewa 206, 207

SAUNTRY, WILLIAM AND OTHERS:
authorized to build dam across Tomahawk river, in Burnett county 104
authorized to build dam across Spruce river, Douglas county 110
authorized to build a dam across Moose and St. Croix river, in Douglas county 111

SAWDUST, ETC.:
penalty for throwing into Wisconsin river 314
penalty for throwing into navigable lakes or bays 134
same, in trout brooks 450

SAWYER COUNTY:
created 5 47
organized for judicial purposes 38
terms of circuit court in 38 18-164
clerk of court to be appointed, sec. 4 38
transcript of records of, to be *prima facie* evidence, when 38
relating to taking of certain tax deeds in 178

SAWYER AND WESTON:
appropriation to 4

SAYLOR CREEK:
Price county, dam across 164

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws - Years, Chapters and Amendments.									
	No. of section	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SCANDINAVIAN BROTHER ASSOCIATION: name changed to Danish Brother Association					80						
SCARBRO CREEK: Kewaunee county, dam across						65					
SCARLET FEVER: prevention of											270
SCHEDULE: fixing the, for printing and binding									506		
SCHELLSWICK, K. O.: to build a pier in Lake Michigan, Door county		29	131								
SCHOOL BOARDS—(See Boards of Education): how consolidated in cities											313
SCHOOL BOARDS: report of, when made, etc	534										215
in cities, powers of, under general incorporation law											313
SCHOOL BOOKS: adoption and change of	449					251				308	
penalty for unlawful change	508	251				251				308	
in cities, change, how made, board may purchase and loan to pupils	514					251				308	
having tendency to inculcate sectarian ideas not permitted	514					251				308	
relating to purchase of	436						93				
SCHOOL CENSUS: duty of district clerk making report, what to contain	462								370		
officers taking, to ascertain number of children between seven and thirteen years of age failing to attend school and ten on for same										187	

Revision of appropriation for	178

SCHOOL DISTRICTS—(See Township System of School Government; Common Schools):

alteration of boundaries of joint; procedure; appeals	280, 439
time of holding annual meeting	425, 69, 298, 91
board to meet and examine accounts, and report at annual meeting	425, 60, 298, 96
may insure school property in its charge and execute note for premium	414
may purchase U. S. flags for schools	272
officers, when to hold over, etc	425, 69, 298, 96
vacancies in, how filled	433, 81
taxes in limited to five per cent. of assessed valuation	118
when clerk to deliver statement of taxes voted, to town clerk	472, 305, 241
report of clerk to town clerk, when made and what to contain	462, 107, 72, 298, 156, 370
no director, clerk or teacher shall be treasurer	443, 117
treasurer to hold till successor elected or appointed	254
district No. 1, Dodgeville, authorized to borrow money from trust funds	8
relating to common schools	430[24], 124
town boards may form and alter	412, 355
duties of officers under compulsory education act	121, 298, 519, 4–187
in city of Beloit; act of 1868, for formation of, amended	54
Brodhead; taxes in	16
charter of amended	101
in town of Clear Lake, Polk county; action of district No. 4 legalized	50
in town of East Troy; section 1, act of 1860, relating to annual meeting in district No. 4, repealed	64
records of, when lost or destroyed may be restored	472
in county of Jefferson; changes in boundaries	197
in town of Leeds, Columbia county; action of district No. 1, legalized	280
in town of Magnolia, Rock county; proceedings of meeting of district No. 1, legalized	166
in town of Mequon, Ozaukee county; apportionment of school money for 1880, to district No. 3	43
loans to, how made	261, 541
question to be submitted to vote, etc	262, 393
in village of Monroe; act of 1866 for formation of, amended	238
in city and town of Ripon; districts Nos. 2 and 5 consolidated	98
in town of Union, Rock county, time of payment of loan made from school fund to district No. 6, extended	204
duty of board when sufficient tax has not been voted to maintain a school in	417, 124, 297
indebtedness of, may be refunded	231
money borrowed to be expended solely for purpose for which borrowed	231
in Douglas county, territory comprising	470

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SCHOOL FUND INCOME:											
relating to	554						124	297			
how apportioned by town clerk, etc	558							275			
How apportioned by state superintendent	554							277			
to be applied exclusively to payment of teachers	437						124	297			
to levy a tax for							257			389	
one-twentieth of, to be held by town treasurer for purchase of school library								426	288		
SCHOOL GOVERNMENT:											
general provisions relating to township system of, and amendatory of sections 521, 522, 523, 524, 525, 526, 529, 534, 537, 539, 541, 544, 545, 547, 548 and 552								297			
SCHOOL HOUSES:											
city of Columbus to issue bonds to build				111						21	
city of Racine to issue bonds to build						86					
erection of union or high school building in city of Watertown		122									
doors of, hereafter constructed to swing outward							190				
union school district of city and town of Ripon may issue school orders to build										7	
city of Fon du Lac authorized to build and equip										25	
city of Milwaukee to issue bonds to build										108	
SCHOOL LANDS—(See Commissioners of Public Lands):											
SCHOOL AND UNIVERSITY FUND:											
appropriation out of, to Warren J. Lander										207	
SCHOOL LIBRARIES:											
appropriation of portion of common school fund for purchase of								426	288		
clerk to purchase books for, and keep record of, and be librarian	166								288		
state superintendent to furnish lists and control									288		
state superintendent to prescribe rules, etc., for management of district									284		
SCHOOL MEETINGS:											
officers to be elected by ballot											99

SCHOOL MONEYS:											
in Forest county, act for											283
SCHOOL OFFICERS:											
to be re-elected by ballot											29
in districts, when to hold o[illegible], etc	425				69	298		96			
director, clerk or teacher ineligible to office of treasurer	443	117							254		
treasurer to hold until successor elected, etc									254		
under township system; vacancies, how filled	533					63		297			
when separate official ballots to be printed and furnished inspector of election for										379	
term of office of secretary	523								292		
when office of, vacant by reason of absence of, board to fill									427		
reports of; when made and what to contain; of district clerk	462	107			72	298			155		
in taking census of school children								95		187	
of town clerk	463				73	298			156		
of county superintendent	464				72	298			154		
of secretary, under township system	537				72			297	293		
duties under compulsory education act		121			298				r519	4-187	
powers as to text books—(See School Books).											
in town of Antigo, Langlade county, acts legalized						57					
in town of Polar, Langlade county, acts legalized						48					
SCHOOL ORDERS:											
when actions may be brought on				240							
SCHOOL PROPERTY:											
district boards may insure and give note for premium								414			
SCHOOL TAXES:											
to legalize certain, levied in towns							204				
apportionment of, by state superintendent and levy thereon										389	
to provide for earlier distribution of, to counties										389	
SCHOOLS—(See Free High Schools; Teachers; Township System of School Government; Text Books):											
compulsory attendance of children		121			298				r519	4-187	
establishment of state normal school in Milwaukee			290								
establishment of system of public, in city of Appleton				187							
fund income of	554						124	297			
to be applied in payment of teachers	437						124				
SCHUBERT, WENZEL:											
appropriation to								26			
SCIENCE HALL—(See University):											
appropriation for								500			
completion of								500			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SCOFIELD, E.: appropriation to, for expense of contesting seat in senate										348	
SCOTT: town of, Lincoln county; boundaries defined				116							
SEAL—(See Notaries Public): copies of records of land department may be certified under lesser	186	194									
conveyances of land heretofore executed without, declared to be legal and valid							348				
great seal of state; description; purchase of a new one authorized				280							
lack of, in deed, etc., curative statute										288	26
SECOND JUDICIAL CIRCUIT: terms of court in	2121								50-185		
extending time on motions, etc., in									185		
SECRET AND BENEVOLENT ORDERS, ETC.: certain, exempt from general provisions of law relating to life insurance companies		204		240	281 249	94	458	42 198 500 534		447	
organization of	2002						19	204 208			
to make report to insurance commissioner and appoint him attorney									334		
penalty for neglect to pay judgment									480		
SECRETARY OF STATE: to draw warrant on certificate of supt. of public property for Sanborn & Berryman's annotated statutes										205 251	
to draw warrant for salaries and expenses of members of State Board of Control									536		
report of, number of pages, binding, etc									520		
to make and publish condensed statement of state finances in alternate years										203	
to authorize trust, guaranty, annuity, safe deposit and security companies, when											

certificates of nomination and nomination papers of candidates to be voted for, to be filed with, section 7									1248	879	
when to be filed, sec. 8; to preserve same, sec. 9; to certify names of candidates to county clerk, sec. 10; duties of, in certifying as to vacancies, sec. 11									1248	879	
to cause this act to be printed with forms, etc., and distribute same to proper officers, sec. 41										879	
copies of labels and trade marks of trades unions, to be filed with										280	
to cause state printer to collectively bind in cloth, governor's message and accompanying documents										809	
and may order additional copies of certain reports										809	
John Jones to file with, an instrument in writing, discharging state from all liability for injuries sustained by him in capital disaster										880	
shall include and apportion in state tax, sums paid to free high schools	496									332	
shall cause 8,000 copies of Blue book to be published										333	
to inform the several county clerks and treasurers of amount of school tax in their counties, when										889	
certified copy of printed journal of each house of legislature to be filed with, by chief clerks thereof										475	
names of employes of to be certified to by										475	
names of legislative employes to be published in official state paper with amounts audited to										475	
foreign building and loan associations to file articles with, fee, and appoint attorney on whom process may be served; duty of, in notifying									525	469	
ordinances for adoption of general act relating to cities to be certified to, with proceedings thereon, and patent recorded by, secs. 5, 12 and 13									326		
duty of, respecting and auditing of claims of A. Hilker et al									504		
same, Gilbert Anderson et al									529		
to audit accounts of text book commission		24									
to draw warrants for disbursement of free high school fund, 1878		26									
to purchase digests of Wisconsin reports		203								282	
to subscribe for biographical sketches of members of constitutional convention, 1846, 1847 and 1848			275								
to grant license to hawkers and peddlers					100				510		
to draw warrants for estimated disbursement of state institutions in favor of treasurer thereof, each month				2981[1]							
form of certificate of, on transfer of lands by state	4167				128						
to have index of session laws since 1878 prepared						51					
to examine and adjust claim of E A Spencer vs. State						187					
foreign manufacturing companies carrying on the business of, in this state to make report to						220					
member of board of auditors New Orleans exhibit appropriation							13				
to certify to clerk of city of Berlin yearly amount due state on loan authorized by this act same as to city of Ripon							77				
to draw warrants for amounts found due Columbia and Sauk counties under chapter 322, 1883, "swamp land fund."								4			
to contract for publication of additional numbers of blue book, 1885, 1887, 1889							90				
to distribute same							113	284	421		
acceptance of loan by certain towns in Polk county to be filed with							113		421		
							143				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SECRETARY OF STATE—Continued:											
to furnish county clerk of Polk with statement of amount due on each year							143				
to furnish clerk of Kewaunee county with statement of amount due on loan to Kewaunee city							153				
not to draw warrant for appropriation until sworn statement is made by president and secretary of society therein named, that sale of intoxicating liquor has been prohibited and prevented on grounds during year							194 313	531	234		
and also gambling							156 157 191 208 437	531	234		
same as to gambling and sale of liquor on fair grounds during fair							399 437	161 561	234		
to prepare and transmit to the several county clerks schedules and forms for enumerating census	993						161				
to prepare tabular statement of enumeration	999						161				
to have same printed and distributed	999a						161				
to have retaken when records lost	1002						161				
to audit accounts for taking	1003						161				
governor, department commander of Grand Army of Republic, and, to examine roster befor printed, for approval							244				
trust companies to make annual report to								158		963	
to certify to various county clerks apportionment of state tax on fourth Monday in October	1070							368			
to purchase of state printer stereotype plates of roster							244				
relating to printing and distributing biennial report of							303		526		
reports of state officers to be delivered to, when printed and deposited by, with superintendent of public property for distribution							303		526	309	
to grant license to auctioneers							291				
to draw warrant for payment to person for compiling manuscript of town laws, when							203				
town laws to be distributed by							203				
to audit accounts for support of deaf mutes							315				

to issue warrant for support of fifth normal school 364
when deeds for site of state public school for dependent and neglected children are delivered to, warrant to be drawn by, for payment to grantors 377
to have this act printed together with general election law in pamphlet form with suitable forms, copies to be sent to each clerk of board of supervisors in state, sec 15 389
to prepare necessary blanks for making registers required, sec 16 389
to draw warrant for payment to chaplains for services in legislature, 1885, 1887, 1889, 1891 ..... 446 141 194 306 233
to provide and distribute self-sealing envelopes for use of inspectors in preserving and returning ballots as herein provided, sec. 11 ..... 464 250
claims against state for slaughter of animals as provided in this act, to be filed with 467 76
to examine same and issue warrant when found equitable 467
to settle and audit account of board of immigration 91
to issue warrants on certificate of state superintendent for payment of appropriation for national centenary school exposition 188
corporations formed for establishing hospitals, etc., for relief of insane, to file indemnity bond with 316
guarantee companies to deliver securities to, to indemnify insured and creditors against loss before commencing business 352
to include substance hereof in general election notice 1888, amendment to sec. 1, art 10, constitution 357
when to draw warrant for appropriation to state board of supervision for purchase of machinery, etc., to carry on manufacturing at state prison 437
to prepare pamphlet form of game laws for distribution by game warden 456
wardens to make annual report to 456
verified copy of articles of corporation reorganizing under this act to be filed with 440
to include substance of chapter 362, laws of 1891, relating to constitutional amendment in general election notice for 1892 363
to audit acount of legislative committee investigating affairs of Sturgeon Bay and Lake Michigan Ship Canal Company 346
to draw warrant for amount of above 346
to draw warrant for funeral expenses of John Edwards 421
as commissioner of public lands shall be member of Board of Deposit 273
to draw warrant for expenses of attorney general in prosecution of insurance companies 517 418
same of insurance commissioner 530
to purchase 200 copies of Simmons' Digest of Wisconsin reports 202
to draw warrant for amount due on indemnity lands to town of Caledonia, Columbia county 121
to draw warrant, favor Jefferson county for state tax erroneously collected 101
same Portage county, and charge same to Wisconsin State Hospital for Insane 169
to draw warrant for amount due counties on proceeds of sales of swamp lands 340
when to draw warrant for deficiency in salary of circuit court reporters 2438 128
when to state agricultural society 426

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SECRETARY OF STATE—Continued: vacancy in office of, how filled	965									84	
SECTION AND QUARTER SECTION CORNERS: relating to re-establishment of extinct							347				
SECURITY COMPANIES: organization and management of										263 425	
may guaranty official bonds											196
SEDUCTION: of unmarried females of age of sixteen years or under; punishment for					282						
SEINES: fish warden may destroy, when											307
SENATE—(See Legislature): officers and employes of	111a	194			314	346	94 408	7 348 501	522	385 475	
bills, resolutions, etc., of, to be printed										475	
SENATE DISTRICTS: apportionment of state into					242			461		482 1,2d sp.s	
SENTENCE: of criminal; when to commence, terminate, and of parole									300		
when former sentence shown penalty may be increased									141		
SERGEANT AT ARMS (See Legislature): of senate and assembly; stationery for		1									

SERVICE OF PROCESS – (See Summons, Process):
on transportation companies; appointment of attorney therefor 193 189 277 304
on equipment companies; appointment of attorney therefor 253 405
in garnishee proceedings; on principal defendant 139
how made on absent and nonresident 3608 201 235
on guardians; when may be made by publication 7254 152
in justices' courts, by person not an officer 4173 286
sheriff to execute all "delivered" to him 2637 525 252
what shall be due proof of, in certain cases 51
on building and loan associations 1338 526
on aid or benefit associations 355 67

SESSION LAWS:
preparation and publication of index to 2747 8
printing of 9 5 157 8 135
distribution of 2424 157 179 3 488 317 280
same rule on traversal of attachment in justice courts 488

SET OFF:
damages and costs awarded defendant on traverse of attachment to be applied as a, on plaintiff's demand 235 210
same rule on traverse of attachment in justice courts 47 277

SEVENTH JUDICIAL CIRCUIT:
of special terms of court in 884
terms of court in 328 224
boundaries changed 312
256

SEVENTH WARD PARK:
in city of Milwaukee, extension of 256

SEVENTEENTH JUDICIAL CIRCUIT:
created, and terms of court in 47
election of judge for 47
terms of court in 277

SEVERALTY:
providing for the subdivision and platting of lands owned in 884

SEWERAGE:
in city of Appleton; to provide for a system of 328
districts and system in chartered cities 224
for city improvements 312
regulating connection with public, in cities, etc 256

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SEWER AND DRAINS:											
may be built in villages, duty of trustees, how constructed, when by contract, ordinance for									262		
in Menomonee and Kinnickinic sewers, prohibited											254 255
SEYMOUR:											
city of, incorporated		241									
city charter of, amended					62	98		87		72	
SEXTON, JOHN:											
commissioners of public lands authorized to sell a certain tract of land in Waushara county to						227					
SHAW, EUGENE AND GEORGE B.:											
rights, privileges and franchises enjoyed by Daniel Shaw, under chapter 288, laws of 1874, vested in						95					
SHAWANO:											
city charter of, amended						223	159	175	189	26 158 151	
booms and piers in Wolf river in, act repealed									†300		15
SHAWANO COUNTY:											
authorized to borrow from trust funds of state		5									
relating to a state road in, from Wolf river		†104	24								
state road in		142									
changing boundaries of, to create counties of Marinette and New	5	114	247								
to correct and fix boundaries of	5		247								
boundaries changed	5			7							
certain portion of, attached to Langlade county	5					303	137				
price of swamp lands in		212									
relating to certain swamp lands in			261		135	232					
settlement between Langlade county and				190		296					

county clerk to keep abstract of tax sales						235					
terms of circuit court in	2424					288	134		297		
dam across Red River in										175	
dam across Shioc creek in										878	
SHEBOYGAN:											
donation of land to Sheboygan county by city of, for insane asylum, ratified					61						
city of, to retire certain railroad bonds, and issue new					114						
to amend charter of							305	194	245	270	
authorized to issue new bonds to readjust indebtedness							277		433		
to levy tax to pay interest on							277		433		
granting United States jurisdiction over certain lands in										68	
city, may bridge river											257
SHEBOYGAN COUNTY:											
preservation of fish in			135								
preservation of fish in Lake Ellen				120							
inquest in, coroner to take	1882			147	110						
terms of circuit court in				63						5	
donation of piece of land to, by city of Sheboygan, ratified					61						
granting United States jurisdiction over certain lands in										68	
SHEBOYGAN FALLS:											
amending act incorporating village of								144			
SHEBOYGAN MUTUAL BENEVOLENT ASSOCIATION:											
charter amended							300				
SHEBOYGAN RIVER:											
dam across							363				
bridge across										55	257
SHELLSWEEK, R. O.											
amending act authorizing him to build pier			131								
SHEPARD'S DIGEST:											
purchase of 200 copies of, authorized; distribution							248				
SHERIFF—(See Liens):											
and deputies to be *ex-officio* fish and game warden										436	
may summon jury on inquest of the dead	4866 4869							137			
fees of, in removing persons to insane asylums	604							187			
for making sale on partition of personal property								189			
to file the undertaking given by plaintiff in replevin	2728					6					
when to give notice of election	18					827					
relating to services of process by	725									152	

Subject Matter of Law.	Revised statutes amended or repealed — No. of section	General Laws—Years, Chapters and Amendments. 1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SHERIFF—Continued:											
fees of	731		174 175		176						
on demand of jury trial in county courts having civil jurisdiction	2478		86								
county board may fix salary of, for services for county				53							
salaries of deputies in Milwaukee county					207					301	
relating to issuance of deed by successor of							338				
or other person serving summons to endorse on copy when served, date of service and sign his name thereto, otherwise not to receive fees for service							273				
when two or more attachments vs. same defendant executed on same property, inventory and appraisement to be made in but one action, notice of to be endorsed by, to defendant, on copy of writ served, that property seized is the same in which inventory and appraisement are made, also to state in return on writs the fact of indorsement							250				
authorized to offer reward for apprehension of fugitive and determine who entitled to same								67			
duty of, summoning jurors									140 294		
to select lists for struck jury, etc									268		
to have copy of annotated statutes										205	
SHERIFF'S DEED:											
when may be issued by successor of sheriff in office							338				
form of, on foreclosure by advertisement	2212							327			
SHERRY, HENRY:											
appropriation to					46						
SHIOC CREEK:											
dam across, Shawano county										373	
SHOMER, FRANK:											
appropriation to		103									

SHULLSBURG, CITY OF:
incorporated ... 71
charter amended ... 107
charter amended ... 146

SIDEWALKS:
re-enacting part of chapter 123, of laws of 1873, providing that boards of trustees in incorporated villages may build or repair ... 191
removal of snow, dirt or rubbish from, in villages ... 892 ... 45 ... 104
to provide for collection of, and highway taxes in villages embracing parts of two or more towns ... 265 ... 78
not to apply to villages having less than 3,000 population, census 1885 ... 78
damages recoverable for injuries by reason of defective, limited to $5,000 ... 454

SIGEL:
town of, Chippewa county, to levy a special tax to pay off certain bonds ... 42

SILVER CREEK:
Taylor and Price counties, dams across ... 221

SILVER LAKE CEMETERY:
city of Portage to construct a sidewalk to ... 102

SILVERTHORN, W. C., ET AL.:
may dam Wisconsin river ... 96

SIMMONS' DIGEST:
of Wisconsin reports; purchase of 250 copies of vol. III authorized; distribution ... 202
same of 200 copies of new, from vol. 44 to 61, Wis. reports; distribution of ... 428
same of 200 copies of vol. II; distribution of ... 262

SIMPSON, EDWARD B.:
appropriation to ... 8

SISCOWIT RIVER:
Bayfield county, dam across ... 326

SISTERS OF NOTRE DAME:
authorized to remove bodies remaining in old Calvary cemetery, in city of Milwaukee ... 24

SITE:
for normal school may be donated ... 185

SIXTH NORMAL SCHOOL:
providing for establishment of ... 402

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885	1887.	1889.	1891.	1893.
SIXTH JUDICIAL CIRCUIT:											
terms of court in										12 307	
boundaries of, changed										47	
every general term in Vernon county special for whole circuit								6			
general terms in Clark and Trempealeau counties, special for whole circuit									119		
SIXTEENTH JUDICIAL CIRCUIT:											
created										41	
terms of court in										41	
election of judge for										41	
SKINNER CREEK:											
dam across, Price county									405		
SLABS, SAWDUST, ETC.:											
not to be thrown into Wisconsin river; penalty			314					490			
not to be thrown into navigable lakes or bays; penalty				134							
SLAVANSKA LIPA ASSOCIATION:											
charter amended							261				
SLEEPING-CAR COMPANIES:											
to make report and pay an annual license fee						353	415				
not to use cars unless fee paid						353	415				
SLYE, A. L.:											
legalizing acts of, as justice of the peace								89			
SMALLPOX:											
prevention of											270
SMITH, P. H.:											
appropriation to			4								

SMITH, A. L., ET AL.:
may bridge Fox river at Appleton 120, 121

SMITH'S ADDITION:
to Janesville restored 258

SNOW DRIFTS:
overseers of highways to remove from highways 1249, 179
may call out taxpayers to remove, etc 1249, 254

SOFT MAPLE CREEK:
Chippewa county, dam across 53

SOLDIERS:
when county board authorized to appropriate money for monument to 670, 306
of the Wisconsin National Guard may re-enlist 621, 298

SOLDIERS' ORPHANS' HOME:
to restore and continue board of trustees of 119
relating to report of 303

SOLDIERS (THE) RELIEF COMMISSION:
to be appointed in each county by county judge, powers and duties of r304, 339, 250
when county board may fix salary of members of 250

SOLDIERS, SAILORS AND MARINES:
relating to the relief of indigent, their wives, etc., duty of county board ..... {304, 518}, 339, 250
relief granted by ch. 304, L. 1887, extended to parents of, when 421
not to be confined in poor or almshouse 1524, 518
ex-union, who die resident of this state without means sufficient, to be buried by county r18, 385
to be enumerated in census 906, 161
penalty for failure to answer questions respecting 1000, 161

SONS OF TEMPERANCE:
organization of, election of trustees, etc 2002, 204

SOUTH CHIPPEWA, VILLAGE OF:
to legalize election and acts of inspectors of, held in 409

SOUTH-EASTERN WISCONSIN SHEEP BREEDERS' AND WOOL GROWERS' ASSOCIATION:
appropriation to, for printing, etc 290

SOUTH-WESTERN WISCONSIN INDUSTRIAL ASSOCIATION:
appropriations to 302, 105, 121, 191, 542

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws--Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SPARTA:											
city of, incorporated						175					
charter amended							80	145		23	
town of, portion of state road in, discontinued								226			
SPAWN:											
to be furnished by fish commissioners to private parties		128			160						
penalty for disturbing spawn beds	4560			218				375			
SPAULDING, JAMES, ET AL.:											
may dam Comet river											208
SPEAR:											
when fish may be taken with								375	443		
SPEAR, GEORGE O.:											
appropriation to						178					
SPECIAL ADMINISTRATORS:											
relating to, and authorizing appointment of, in certain cases								195			
SPECIAL GUARDIAN'S DEED:											
conveyance of real estate by, form of deed, effect	2212								345		
SPENCER, E. A.:											
examination and adjustment of claim of						187					
SPENDTHRIFTS—(See Intoxicating Liquors.) (Inebriates and Habitual Drunkards):											
SPEED:											
to limit rate of, trains and locomotives in cities and villages										467	
SPIRIT RIVER:											
Lincoln county, dam across			68								

Lincoln county, dam across			102								
Price county, dam across			201								
SPOLECNA SMLOUVA KOSSUTHSKE TOWN OF FIRE INSURANCE COMPANY: acts of, legalized				55							
SPRING BROOK:											
Langlade county, dam across					202						
Langlade county, dam across						259					
Washburn county, dam across										149	
SPRING GUNS: penalty for setting	4304					20					
SPRING VALLEY											
Rock county, acts of Greenwood Cemetery Association legalized			153								
village of, Richland county; name changed to West Branch					171						
SPRINGVILLE:											
town of, Adams county; authorized to aid in construction of a bridge across Wisconsin river						186					
SPRINKLING:											
providing for the, of roads in towns								276			
relating to streets in Milwaukee city								420		372	
SPRUCE RIVER:											
Douglas county, dam across										110	
SPUR OR SWITCH TRACKS:											
construction of						276					189
to connect with lumber, mill, coal, wood yards, etc., owners may	1802									370	
authorizing state board of supervision to provide for the construction of, to connect with various state institutions								87			
SQUAW CREEK:											
dam across, Price county								336			
improvement of, etc., Oneida county									88		
SQUIRREL:											
protection of, when may be killed, etc									443		
SQUIRREL RIVER:											
dam across, town 39 north, range 5 east								434			
STALLIONS:											
to regulate use of, for procreation		85									
owner of, to have lien on colt gotten by								441	468	388	

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
STALLIONS—Continued:											
claimant to file claim with clerk of city, village or town where owner of colt resides										983	
STANDARD TIME:											
fixing the, within this state							216				
STANDARD APPROPRIATIONS—(See Appropriations):											
how paid	172	194									
disbursement of, to state institutions			289								
STANFOLD, BARRON COUNTY:											
town of, territory detached											289
STANHOPE, C. D., ET AL:											
may build pier in Lake Michigan											128
STATE AGENT FOR PENSIONS:											
appointment, salary, etc.							144		382		
adjutant general to perform duties of									382		
STATE AGRICULTURAL SOCIETY:											
appropriations to		72	148	129	204	109 146	194	485	423		
fair of, to be held in Milwaukee county								485			
entitled to postage stamps	169		199								
number of copies of transactions to be printed	889[1]		200			820	435		526	249	
may borrow from trust funds to purchase grounds, etc.										381	
STATE AID (See Agricultural, Societies):											
agricultural societies	1465	242							234		
free high schools (See Free High Schools)	496				129	273	420		466	522	
STATE BOARD OF ASSESSMENT:											
	1009	194									

errors of, how corrected ... 259

STATE BOARD OF CONTROL:
governor to appoint members of; term of office of; salary, etc.; state institutions to be supervised by ... 221
powers and duties of ... 221 279
to visit Wisconsin Veterans' Home ... 393
appropriation for institutions under their control ... 153
clerk hire to ... 279

STATE BOARD OF CHARITIES AND REFORM:
abolished; state board of control substituted therefor ... 221
reports relating to pauperism and crime to be made to ... 271
plans and specifications for county asylums, and poor houses to be submitted to, for approval ... 101
jails, police stations and lockups under supervision of, duties respecting condemnation of dangerous and defective ... 371 218
accounts against state for care of insane persons by counties to be presented to ... 276
to prescribe rules for care of insane in certain cases ... 604 233 168 105
to designate asylum for confinement of certain ... 237
duty of, respecting removal of, from state to county asylums, to audit and approve accounts ... 461
to visit state charitable, reformatory and penal institutions ... 283 268
to employ temporary clerical assistance ... 291
limiting number of pages in report of ... 308 526
members of, to be paid their necessary expenses and mileage ... 564 330
printing conference of charity ... 63
relating to per diem of members of ... 408
may subscribe for certain periodicals ... 408

STATE BOARD OF DENTAL EXAMINERS—(See Dentistry):
created ... 129

STATE BOARD OF HEALTH:
publication of annual reports of, and separate articles therefrom ... 336 16 320 526 231
annual appropriation ... 16 107
contingent appropriation to prevent spread of disease ... 238
boards of health in cities, villages, etc., to report to ... 167 291
members to be paid necessary expenses ... 1406 107
when to certify to governor respecting cholera ... 295 452 64
to make rules and regulations to prevent spread of ... 295 452
same to be published in official state paper ... 295 452
penalty for refusing or neglecting to obey ... 295 452
to return annually an itemized statement of expenditures under this act to governor ... 295 452
text books used in public schools for instruction in physiology and hygiene to be approved by ... 337

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
STATE BOARD OF HEALTH—Continued:											
to prosecute offenders for violation of provisions hereof respecting sale of ice in city of Milwaukee								361			
to report system of drainage in Menomonee and Kinnickinnic rivers, Wis											254
STATE BOARD OF IMMIGRATION—(See Immigration):											
established		176	194	223							
appropriations to		176	194	223							
appointment of secretary and agents				223							
abolished								21			
STATE BOARD OF PHARMACY—(See Pharmacy):											
created					107						
STATE BOARD OF SUPERVISION:											
establishment of; appointment and organization of	ch. 29 r4004			298	15						
abolished; state board of control substituted therefor										221	
terms of office of members				298							
where office shall be; regular meetings				298							
compensation of members; expenses for clerk hire, etc				298							
powers and duties of board				298							
employment and duties of secretary				298							
to prescribe salaries of officers of state institutions				298							
duties of stewards				298							
monthly estimates of institutions				298							
payment of accounts				298	15						
duty of secretary of state				298							
moneys for use of inmates to be strictly accounted for				298	15						
duty and authority of superintendents of hospitals				298							
monthly report of institutions				298							
visiting committees, how appointed				298		208					

annual report of board				298		330	303		556			
may adopt rules for compensating convicts	491								217			
may establish rules for parole of prisoners, when	473								300			
authorized to build railway spur tracks to connect with various state institutions								87				
to file with secretary of state statement containing list of names of inmates of each institution				208								
appeals from decisions or orders of						233						
authorized to draw warrants on state treasurer to cover back certain unexpended balances of state institutions							61					
report to be made by cities and villages having schools for instruction of deaf mutes							315					
president of, to approve of certificates for appropriation for support of deaf mutes							315					
when may order and compel the discharge of persons committed to or confined in any public asylum or hospital within this state							320					
duties of respecting selection of site, establishing, erection and management of a state public school for dependent and neglected children							377			259		
authorized to erect additional buildings								52				
to make biennial report concerning said school, sec. 17							377					
authorized to deed certain lands for right of way through grounds of Wisconsin Industrial School								109				
authorized to purchase a certain tract of land, etc., adjoining State Hospital								110				
authorized to lay out highways through grounds of Wisconsin Industrial School for Boys								265				
authorized to carry on manufacturing of goods, wares and merchandise in Wisconsin State Prison and making appropriation therefor								437				
authorized to purchase tract of land adjoining State Hospital									125			
STATE BOARD OF WORLD'S FAIR MANAGERS—(See World's Fair Managers):												
appropriation to										433	140	
STATE CANVASSERS:												
when member of board of, is himself a candidate, who to act	58		318								288	
compensation of officers serving as canvasser	58		318									
appropriation			318									
STATE CAPITOL—(See Capitol; Capitol Disaster):												
authorizing construction of additions to					262							
appropriation for extra work, etc						358	370		435			
governor may contract for water for											170	
STATE CERTIFICATES:												
diplomas of graduates of colleges and universities equivalent to			209									
appointment of board to examine applicants for; duties	454									457		
per diem of board of examiners of applicants for	458									458		
STATE CONFERENCE OF CHARITIES:												
printing transactions of								68				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
STATE DEPOSITORIES:											
legalizing the deposit of public moneys therein	157, 159									273	
shall file bond with state treasurer	157, 159									273	
STATE FACTORY INSPECTOR:											
powers and duties of								453			
salary of assistant								453			
appropriation for office rent, etc								453			
STATE FISH AND GAME WARDEN:											
governor to appoint; powers, duties and salary of										436	
to appoint deputies; duties and powers of										436	
to file quarterly report with secretary of state, also an itemized account of expenses										436	
STATE GRANGE:											
organization of, election of trustees, etc								201			
STATE HISTORICAL SOCIETY:											
additions to capitol for use of						259					
report of, to be triennial	376	194									
binding for			106								
salary of assistant librarian				279			81				
authorized to sell and convey a certain tract of land						187					
appropriation for shelving rooms of the								390			
printing reports, catalogues, etc., of	340							486	515		
may sell Draper homestead											54
STATE HORTICULTURAL SOCIETY:											
reorganization of		151									
printing and distribution of reports of		151	121	131	100	330	435	6	526	249	117
appropriations to						66	80	14			
time for holding annual meeting											
report of									526		

STATE HOSPITAL FOR THE INSANE- (See Insane Hospitals; Insane Persons):

appropriations to ... 130 259 283 4, 83 142 71 83 57 257 152

appropriation for expenses of investigation of ... 4
abolishing board of trustees of ... 293
placed under control of state board of supervision ... 208
board of supervision authorized to purchase land adjoining ... 125

STATE INSTITUTIONS—(See Supplies):
state superintendent may sell Webster's dictionaries to ... 509 195
management and control of, vested in state board of supervision ... 293 268 221
state board of charities and reform to visit ... 291
supplies for various, how purchased ... 268
each to have copy of Sanborn and Berryman's Annotated Statutes ... 183
state board of supervision authorized to provide for laying railway spur tracks to connect with various ... 87 205
appropriations for expenses of legislative visiting committee ... 8 27 51 114 91 219
appropriations to ... 4, 86 142 71 83 57 257 152
reports of to be biennial ... 320 303 526
disbursements of appropriations to ... 289
diversion of funds unlawful, penalty ... 289
unauthorized contracting of debts prohibited; penalty ... 289
names of certain, changed ... 56
to provide for greater economy in purchase of supplies for ... 183

STATE LANDS—(See Public Lands; Commissioners of Public Lands):
withdrawal from market and sale of certain; restoration of same ... 316 255
ceded to town of Waukesha for a roadway to cemetery in said town ... 136
United States to have right to overflow certain ... 256
sale of certain, in Waushara county, authorized ... 225, 226, 227

STATE LAND OFFICE:
to perpetuate records of ... 177
certified copies of records in, to be received in evidence, when ... 415 1a 20 177

STATE LIBRARIAN:
salary of, established ... 170
duties of, relating to the compilation of town laws ... 293

STATE LIBRARY:
duplicates to be delivered to University for law department ... 309
appropriation for purchase of law books for ... 35 123
binding briefs, etc., authorized ... 262
purchase of books for ... 371 128

Subject Matter of Law.	Revised Statutes amended or repealed. No. of section.	General Laws—Years, Chapters and Amendments. 1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
STATE NORMAL SCHOOL—(See Normal Schools):											
establishment of a, in city of Milwaukee			200								
state tax for											185
sites may be donated to											185
increase of income for											185
STATE OFFICERS:											
stationery for		80	90	178	71	58	413	3	7	13	
furnishing public documents to	351		118								
entitled to postage stamps	169		199								
railroad commissioner and insurance commissioner made elective officers	128 r1792			300							
reports of, to be biennial; printing and distribution	r336 r337 r339					320	435		526	309	
limiting number of pages in							602		526	300	
STATE PRINTER—(See Public Printer):											
to print journals, etc., of legislature										475	1
STATE PRISON—(See Convicts):											
reward for good conduct in			238								
when good behavior not to diminish sentence	4912				158						
abolishing board of directors of					298						
placed under control of state board of supervision					298			437			
appropriation to					4 33	142	71	83	57	257	152
authorizing state board of supervision to carry on manufacturing in, appropriation								437			
warden to have no interest in contracts											172
STATE PUBLIC SCHOOL FOR DEPENDENT AND NEGLECTED CHILDREN:											
relating to establishing a							377				
[illegible] to be selected by state board of supervision, donation of land and money for, may be received by							377				

duties of state board of supervision respecting						877		144 287	259	
appointment of agents of						877			259	
what children eligible						877				
course of education required						877				
when boys in, may be transferred to industrial school						877		144		
expense of conveying children to, when to be paid by county								144		
expense of state agent, how paid								144	259	
expense of transportation and return of children, county to pay								287		
adoption of children from								287		
erection of additional buildings for, authorized							52			
agent of Wisconsin Humane Society may present application for admission of dependent children to									243	
appropriation for						457	52	57	257	152
appropriation to make good losses by fire										152
STATE ROADS:										
from Wolf river, Shawano county, to Wausau, Marathon county, amending act of 1878, for	r104	24								
from Lincoln, Kewaunee county, to town of Green Bay, Brown county	108	11	154							
from Grand Rapids, Wood county, to Stevens Point, Portage county	116									
from Hillsborough, Vernon county, to Union Centre, Juneau county	123									
from Clintonville, Waupaca county, through Waupaca, Shawano and Oconto counties	142									
from Chippewa Falls, Chippewa county, to Colby, Clark County	159									
from Centralia, Wood county, to Knowlton, Marathon county, amending act of 1878, for	226									
through Racine, Walworth and Rock counties; to discontinue a portion of		132								
from Cumberland, Barron county, to Deer Park, St. Croix county		304								
in Brown and Kewaunee counties; relating to a certain			154							
from Stockholm, Pepin county, through Pierce county, to Durand, Pepin county			155		234					
from Ahnapee, Kewaunee county, to a point in town of Nasewaupee, Door county			184				550			
commissioners appointed to lay out, duties of							550			
from Grand Rapids, Wood county, to Plover, Portage county			r248	248						
from Grand Rapids, Wood county, to Stevens Point, Portage county			r249			276				
to lay out a, between Milwaukee and Waukesha counties									470	
in Barron and Polk counties, to discontinue a part of				105		115				
from Misha Mokwa, Buffalo county, to Pepin, Pepin county				223						
from Wonewoc, Juneau county, to Hillsborough, Vernon county				229						
from Medford, Taylor county, to Cadott Falls, Chippewa county				295	300					
in Herman, Sheboygan county, town board may discontinue										5
from Westboro, Taylor county, through Price county to Glidden, Ashland county				r321	136					
from Westboro, Taylor county, through Price county, to Glidden, Ashland county					157					
on line between Marathon and Lincoln counties					281					
action of commissioners relating to laying out of a state road in Kewaunee county, legalizes										
To alter state road between Racine and Waukesha						108				

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891	1893.
STATE ROADS—Continued:											
to discontinue certain, in town of Pine Grove, Portage county							250				
to discontinue part of certain, in counties of Oconto and Marinette							262				
to discontinue certain, extending into Dodge county									54		
same, Monroe county									147		
from Black River Falls, Jackson county, to Tomah, Monroe county							284				
in town of Sparta, Monroe county, "Portage road"								296			
from city of Milwaukee to Port Washington							462				
John W. Bussy, H. G. H. Read and Dr. F. W. Williams appointed commissioners to lay out and establish same							462				
to vacate part of territorial, in town of Merrimac, Sauk county								425			
STATE SCHOOL TAX:											
levy for										389	290
STATE SUPERINTENDENT—(See Free High Schools):											
to apportion school moneys to counties on or before November 1, each year										389	
duty of, as to relief of certain free high schools		26		304		14					
duty of, as to purchase and sale of state maps		56									
authorized to fill vacancies in office of county superintendent	967	178									
employment of chief clerk in office of, salary					57						
may employ additional clerks									157		
report of, to be biennial; printing and distribution of						320	303		526		
directed to purchase 400 copies of Webster's dictionary, apprpopriation therefor				25							
report of county superintendent, when to be made and what to contain	464					398			154		
same, of district clerk	462					298			155 370		
same, of town clerks	563					298			156		
to appoint board of examiners of applicants for state certificates and prescribe [illegible]	454									475	
[illegible]	458									452	
to [illegible] for purpose of consultation, advice and instruction of county superintendents, annually							65				

duties of, relative to course of study and examination of teachers in free high schools ..... 825 242 .... 445 .....
principals and assistant teachers in free high schools eligible to teach only on approval of certificate by ..... 494 .... 445 .....
apportionment of state aid to .... 466 332 .....
may appoint person to assist him in organization of, and may require persons so appointed to perform service in office when not engaged .... 420 ....
may call to his assistance professor of theory and art of teaching of university .... 219 ....
appointed one of three commissioners to examine history of territory of Wisconsin for approval .... 285 ....
to grant permission to cities and villages to maintain schools for instruction of deaf mutes, residents of this state .... 315 ....
reports to be made to, concerning such schools .... 315 ....
certificates for appropriation for support of deaf mutes to be approved by .... 315 ....
text-books for instruction in physiology and hygiene in public schools to be approved by .... 327 ....
to make separate and distinct class of free high schools established in towns having no graded schools, when .... 352 ....
railroad maps, how distributed by .... 22 373 ....
appropriation for making exhibit at National Centenary School Exposition, Chicago, to be expended under direction of .... 188 ....
school fund income, how apportioned by .... 277 ....
distribution of blue books to schools by .... 284 ....
authorized to employ extra clerk, salary, etc .... 358 ..... 465 .....
may countersign diplomas when endorsed by the professor of the science and art of teaching of university 376 149
to prepare lists of books for school libraries from which supervisors may select .... 426 288 ....
duties of, respecting management of district libraries ..... 106 .... 284 ....
may have necessary printing done .... 284 ....
to designate teacher at summer school, university .... 458 ....
vacancy in office of, how filled ..... 965 .... 84 .....
O. E. Wells, to report revision of the school code 178

STATE SEALER OF WEIGHTS AND MEASURES:
professor of engineering of university appointed ..... 1659 .... 181 ....
duties of, as .... 181 ....

STATE TAXES:
levy of, for 1879 .... 250 ....
levy of, for 1880 .... 264 ....
levy of, for 1881 .... 334 ....
levy of, for 1882 .... 813 ....
levy of, for 1883 and 1884 .... 195 229
levy of, for school purposes ....
apportionment of; state board to meet annually ..... 1069 124 ....
secretary of state to certify apportionment of, to various county clerks, on fourth Monday in October, each year ..... 1070 .... 368 ....
when surplus in treasury may be applied on levy .... 397 ....

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
STATE TAXES—Continued:											
providing for levy of, for 1888 or 1889, if necessary								516			
errors how corrected				259							
error in levy and collection for Jefferson county in 1889 corrected										101	
same for Portage county, 1890										109	
STATE TREASURER:											
member of board of auditors of the New Orleans Exhibition, appropriation							18				
as commissioner of public lands shall be member of board of deposits										273	
may deposit public money in state depositories when; his duties										273	
boom companies to report to and pay license fee to, when										427	
to issue license to traders (peddlers), when										418	
to apply and distribute direct war tax to various funds										453	
to pay excess of school tax to county treasures, when and exchange receipts										289	
to pay treasurer Columbia county certain moneys on indemnity lands, sec. 2, 3										121	
to pay for 200 copies Simmons' Digest, vol II										262	
to withhold from counties of Sauk and Columbia, all money due on sales of swamp and overflowed lands under chapter 322, laws of 1883, until state is reimbursed for advances made by this act							90				
trust, guaranty, annuity, safe deposit and security companies to deposit securities with										203	
duties of, as to said companies										203	
to furnish county clerks with statement of all moneys paid during next preceding year by, into the treasury of his county							150				
relating to report of							303		520		
to credit Lincoln county with amount realized each year from sale of swamp lands in, on loans due state from							331				
to include amount due commissioners on Canada thistles for destruction of noxious weeds on lands of railroads in license fee								313			
banking institutions to report to, semi annually; penalty for neglect; to notify attorney general of; to publish statements									523	320	
foreign building and loan associations to deposit securities with									525	400	
secretary of state and, to make and publish condensed statement of state finances in alternate years									526		

vacancy in office of, how filled	965										
to credit C., St. P., M. & O. R. R. Co., certain sums paid as excessive taxation										84 201	
STATE TREASURERS:											
commissioners of public lands may settle claims of state against past, with governor's approval										410	
STATE TREASURY:											
to provide for covering certain unexpended balances due state institutions							61				
state board of supervision to draw warrants therefor							61				
when surplus in, may be applied on tax levy								307			
STATE TREASURY AGENT:											
to make annual report to governor									172		
fees of									457		
STATE UNIVERSITY—(See University of Wisconsin):											
appropriation to											280
to buy "Camp Randall"											280
STATE VETERINARIAN:											
to be appointed by governor							467	76			
duties of, etc							467	76			
compensation of, sec. 10							467	76			
to be a graduate of some recognized veterinary college							467				
to make report to governor, sec. 11							467	76			
printing of bulletin, etc., of, sec. 7								76			
appropriation, sec. 12											
STATIONERY:											
for chief clerks and sergeant-at-arms of senate and assembly		1			153						
for legislative and state officers		89	90	178	71	58	413	8	7	18 403	
for employees of legislature		113	44	32	25 237						
for adjutant and quartermaster-generals									382		
general appropriation for											30
STATISTICS:											
of deaf and dumb, blind, insane, etc., when and how collected	1014		229								
of pauperism and crime, collection of			271								
of taxation and bonded indebtedness, collection of				236							
bureau of labor statistics created						319	247				
of sales of land to be reported to county board	1007						64				
of farm products grown, etc	1010								226		
vital, in Milwaukee, register of, may be appointed											233

Subject Matter of Law.	Revised Statutes amended or repealed. No. of section.	General Laws—Years, Chapters and Amendments. 1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
STATUTES—(See Copy Laws, Revised Statutes, etc., Appendix "A."):											
construction of, computation of time	4971	104									
preparation and publication of an index of session laws enacted since 1878						51					
annotated, of Wisconsin, made evidence									222		
STAVE BOLTS AND STAVES:											
made subject to lien under chapter 460, laws 1885								530	413		
STEAM ENGINES:											
to regulate propelling of, on highways							175		509	367	
who liable for damages that may be caused by							175		509	367	
STEAM ROAD WAGON:											
appropriation to inventors of		198									
STEARNS, PROFESSOR J. W.:											
appointed one of three commissioners, to examine for approval, manuscript of history of territory of Wisconsin							285				
STEIN, C. R. & CO.:											
appropriation to									504		
STEREOTYPE PLATES:											
for blue book	120				191						
of roster to be purchased by secretary of state, sec. 5							244				
STEVENS POINT:											
city charter of, amended			50	101		360	359	432	118	86	
may borrow trust funds to pay bonded indebtedness for railroad purposes										450	
STOCK:											
live, use of, for purposes of procreation; to be away from public view		85									
allowed to run at large on unenclosed lands in Vernon county			r102		41			300			
penalty [illegible] by false pretenses certificate of registration of											

of corporations—(See Corporations):
may be sold at current rates on stock exchanges ... 1753 ... 93
what sufficient delivery to transfer title to, liability of original owner ... 1751 ... 414
municipal subscription to railroads; notice of presentation of petition to tax payers, how given ... 946 ... 333
in trade—(See Chattel Mortgage):
live stock insurance corporations may do business in this state ... 1947 to 1955 ... 809
when killed by locomotive, notice of claim to be given ... 202

STOCKBRIDGE, TOWN OF:
legalize acts of electors and supervisors, and authorize board to maintain poor farm ... 65

STOCK DIVIDENDS:
when corporations may declare ... 59

STOCKHOLDERS—(See Corporations):
in banks and banking associations when individually responsible; liability when stock is transferred ... 233 ... 451
may receive stock dividends, when ... 59

STOCKHOLM, TOWN OF:
may maintain ferry across Lake Pepin and collect toll ... 468

STOUGHTON:
state superintendent to fix amount to be paid to high school at, for 1880 ... 804
city of, incorporated ... 172
charter amended ... 170 249
justices of peace my ho[illegible] y part of city ... 147

STRAIGHT RIVER:
Polk county, dam across ... 81
Polk county, dam across ... 8 ... 108
repealing chapter 33, laws 1[illegible] ... 108

STRASILIPKA, JAMES, ET AL.:
appropriation to ... 887

STREAMS:
railroads crossing, to restore to former usefulness ... 1836 ... 397

STREET COMMISSIONER:
voters to determine how ch[illegible] incorporated villages ... 155

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
STREET RAILWAYS:											
in villages and towns, construction of	1863		221							287	
may be operated by animal or other power	1865									287	
powers of corporations operating	1862			219							
tracks of, may be laid on toll roads									298		
corporations operating electrical, may purchase stock in other corporations, organized for generating electrical power	1775									234	
STREETS—(See Lis Pendens; Highways):											
relating to between towns, cities and villages	1274						380		206		
to fair grounds and cemeteries; proceedings to procure suitable					168						
cities and incorporated villages authorized to permit laying of water pipes in		125									
powers of village board to improve	905									404	
lists of lands taken for, to be recorded				†319			237				
and alleys to conform to existing on plat, before same will be recorded	2203									474	
relating to sprinkling of, in city of Milwaukee								420		572	
how vacated in villages	904									174	
and alleys, how opened in cities under incorporation act											312
STRUCK JURY:											
when and how had									208		
STURGEON BAY:											
Door county, pier in				171						193	
Door county, pier in										31	
Door county, dock in					64						
Door county, dock in										30	
Door county, pier in					65						
Door county, pier in										32	
Door county, pier in					93						
Door county, pier in								341			
protection of fish in waters of								590		405	
waters of, made applicable to this act					104						
ice not to be cut in certain portions of											164
dock in, by James Keogh, et al											

dock in, by C. M. White, files											139
Ahnapee and Western R. R. Co. may bridge											13
STURGEON BAY—CITY OF:											
incorporated						341					
charter amended							119	165		134	
STURGEON BAY DOCK COMPANY:											
may build dock in Sturgeon Bay										30	
STURGEON BAY AND LAKE MICHIGAN SHIP CANAL:											
upon completion of third quarter of, lands transferred to company		199									
jurisdiction of ceded to United States											11
deposit of sawdust in forbidden											307
STURGEON BAY AND LAKE MICHIGAN SHIP CANAL AND HARBOR CO.:											
relating to disbursements of		218									
amending acts of 1868 relating to				31							
commissioner of public lands authorized to convey certain lands to				115							
charter of, amended					29						
appropriation for expense of legislative committee to investigate affairs of										346	
SUBCONTRACTORS:											
entitled to liens for labor, material, etc.	3315							535	338	321	
SUBPŒNAS:											
by whom issued	4053	194									
when superintendents of insane hospitals are not exempt from	588				151						
SUBSCRIPTION:											
municipal, to railroad stock; notice of presentation of petition to tax payers, how given	946					333					
SUCKER BRANCH:											
Polk county; repealing act of 1878 for a dam across					86						
SUFFRAGE:											
penalty for interfering with another in exercise of right of							174		r248	379	
right of, by women on school matters to be submitted to vote							211				
SUGAR:											
experiments in manufacture of, from amber cane, etc.; appropriations				211	233	92					
SUMMER SCHOOL:											
at University, appropriation									458		
state superintendent to designate teachers for									458		

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SUMMONS—(See Process):											
sheriff or other person authorized to serve, to indorse on copy at time of service, date of service and signature with title of office							273				
not to tax fees unless indorsement made							273				
how served on foreign surety company doing business in this state							443				
same on foreign insurance corporation							443		835		
service of, on nonresident or absent defendant in garnishee proceedings, may be made, form of notice, etc	8718							405			
how served on railroads	2637[a]							552			
of foreign insurance companies									835		
on secret and benevolent insurance associations									824		
on foreign building and loan associations									825		
SUPERINTENDENT OF PUBLIC PROPERTY:											
to make annual report to governor	ch. 19				r177	159					
to audit bills for funeral expenses of John Edwards and certify same to secretary of state										424	
authorized to purchase certain number of copies of Sanborn & Berryman's supplement to revised statutes							269		15		
how distributed by							269				
authorized to purchase certain copies of annotated statutes of Wisconsin										252	
same of annotated statutes and how distributed										205	
to approve of account for same										205	
to distribute when printed and bound history of Territory of Wisconsin							285				
printed copies of reports of state officers to be deposited with							303		526		
governor's message and accompanying documents to be distributed by, how										300	
session laws to be distributed by							67				
duties of, relative to distribution of stationery	290									403	
SUPERINTENDENTS OF POOR:											
in Iowa county, election of					234						
may present application for commitment of dependent children to state public school; how										243	
to take into consideration wishes of parents or guardians in selecting institution for commitment of children										245	

children committed by, to industrial schools, etc., not to be transferred from, without parents consent											245	
SUPERIOR BOOM COMPANY: charter of, amended				317	205							
SUPERIOR COURT:												
established, Milwaukee county									125		67	
additional judge added											67	
quarters for second superior court to be provided by board of supervisors of Milwaukee county											325	
resignation of judge, governor to fill vacancy, when circuit judge may act, terms of court in										24		
for Douglas county created												33
but not to try murder cases												307
SUPERIOR:												
town of, chapter 296, laws 1883, made applicable to									97			
city of, incorporated									152			
charter amended											124	
relating to harbor districts in, and improvement thereof											419	
SUPERVISION:												
of state, charitable, reformatory and penal institutions; establishment state board of	ch. 29 r4964			298	15							
abolished; state board of control substituted therefor											221	
SUPERVISOR—(See Illuminating Oils):												
of inspectors of illuminating oils; appointment, duties, report, etc., of	r4359		269	268		320	308			526	309	
SUPERVISORS—(See County Board; Towns.)												
ineligible as trustees of county asylums												165
SUPPLEMENT TO REVISED STATUTES:												
appropriation for purchase and distribution of								269	24	15		
SUPPLEMENTARY PROCEEDINGS:												
court commissioner may punish as for contempt; disobedience of order in, when	2434							269				
may be instituted for collection of personal property tax	1127								325			
judgment creditor in, not required to issue more than one execution in, during life of judgment, to be entitled to remedy by	3080										408	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SUPPLIES—(See Liens):											
no lien for, on logs and timber	3329, 3330, 3331, 3333, 3335, 3340	.....	.....	r330	.....	.....	r469	.....	413	139	.....
except in Douglas and Oconto counties	.....	.....	.....	.....	.....	.....	.....	.....	413	.....	.....
liens for, on logs and lumber in counties of Door, Florence, Kewaunee, Marathon, Langlade, Marinette, Oconto, Portage, Shawano, Taylor and Waupaca	3329	.....	.....	.....	.....	.....	r469	.....	413	.....	.....
the word defined to mean rafting and other materials furnished	3330	.....	.....	.....	.....	.....	469	.....	.....	.....	.....
to provide greater economy in purchase of, for state institutions	.....	.....	.....	.....	.....	.....	183	.....	.....	.....	.....
of food and other provisions for charitable and other institutions in Milwaukee county to be furnished by contract, duty of county board	.....	.....	.....	.....	.....	.....	.....	.....	.....	227	.....
SUPREME COURT:											
committee appointed by, to revise rules of practice, to employ a clerk	.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....
judgments of, to be docketed in circuit court	.....	.....	93	.....	.....	.....	.....	.....	.....	.....	.....
in proceedings by *mandamus* against boards of canvassers, etc., may go behind the returns	3453	.....	231	.....	.....	.....	.....	.....	.....	.....	.....
construction of additions to state capitol for use of	.....	.....	.....	.....	252	.....	.....	.....	.....	.....	.....
binding of briefs, etc., authorized	.....	.....	.....	.....	202	.....	.....	.....	.....	.....	.....
to simplify appeals to	.....	.....	.....	.....	.....	49	.....	.....	.....	.....	.....
costs in	.....	.....	.....	.....	.....	49	.....	.....	.....	.....	.....
plaintiff to pay costs on reversal by, on defendant's appeal and have cost remitted, otherwise same will be dismissed	.....	.....	.....	.....	.....	.....	.....	478	.....	.....	.....
distribution of reports of	357	.....	.....	.....	.....	248	.....	.....	.....	.....	.....
to appoint board of examiners for examination of all applicants for admission as attorneys	2586	.....	.....	.....	.....	.....	68	.....	.....	310	.....
authorizing appointment of three messengers and copyists by justices of	2400	.....	.....	.....	.....	.....	132	.....	.....	.....	.....
may appoint proof reader or clerk to, reporter	.....	.....	.....	.....	.....	.....	.....	61	.....	.....	.....
may authorize examination into affairs of trust companies	.....	.....	.....	.....	.....	.....	.....	158	.....	.....	.....
justices of, authorized to appoint three persons to draft bill for incorporation of cities by general law	.....	.....	.....	.....	.....	.....	.....	380	.....	.....	.....
extending time for respondent to except to sufficiency of surety on undertaking on appeal to	3005	.....	.....	.....	.....	.....	.....	.....	.....	110	.....

relating to submission of amendment to sec. 4, art. 7, respecting manner of choosing chief justice 23
justices of, may admit persons charged with murder to bail 4793 143
to review record, on appeal, whether excepted to or not 2070 219
to review errors on trial by referees, how 9805 242

SURETIES:
when accounting by guardian not necessary before action against 3068 156
in criminal cases may surrender principal and be discharged 206
extending time for excepting to sufficiency of, on appeal to supreme court 3005 116

SURETY COMPANIES:
those organized under the laws of other states, may transact business in this state, when 443
summons in actions against, how served 443
may be accepted as surety on bonds 449
commissioner of insurance to issue certificate of solvency to 449
effect of same 449

SURGEON GENERAL—(See National Guard):
to purchase and issue to senior medical officer of each regiment, battalion, troop and battery of Wisconsin National Guard, such medicine chest, medicines and medical and surgical appliances as he deems necessary for their use 439

SURPLUS:
in treasury, when may be applied on tax levy 897
of funds contributed for relief of sufferers by calamity, how disposed of 359

SURVEY—(See Geological Survey; United States Coast Survey):

SURVEYORS:
lien for services to extend to 3314 443

SURVIVAL OF ACTIONS:
tort actions; (except libel and slander) may be brought by and against executors or administrators 3255 868
relating to, what survive by statute 4253 9

SUTHERLAND, GEO. E.:
appropriation to 4

SWAMP LAND FUNDS—(See Swamp Lands):
appropriation from, to pay warrants drawn in favor of Columbia and Sauk counties 90
state treasurer to withhold, until state is reimbursed for advances made by this act 90
to enable commissioners to carry out provisions of ch. 352, laws of 1883 431

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
SWAMP LAND FUND—(See Swamp Lands)—Continued:											
appropriation from, to pay warrants drawn in favor of Adams, Florence, Forest, Marinette, Marquette and Oconto counties								492			
state treasurer to credit Lincoln county with amount of, from sales of lands in to apply on loans due state								331			
SWAMP LAND GRANT:											
to expedite settlement of claims of state against general government under							456				
governor to appoint agent to settle claims							456				
SWAMP LANDS—(See Land Grant Railway Co.; Commissioners of Public Lands; Drains):											
and school lands in towns of Shields, Lowell and Portland, in Dodge county, owned by state donated to said towns for the purpose of opening or enlarging Beaver Dam or Crawfish river, for drainage purposes								528			
when governor to apply for patents for										378	
drainage of, by construction of ditches across lands of others			283								
petition to circuit judge for condemnation when agreement cannot be made			283								
appraisement survey and price of certain in Crawford county										426	
proceeds of sales of, under act of March 2, 1885, how divided									340		
what petition to contain			283								
rights of minors, etc			283								
hearing of petition			283								
compensation of each owner may be found and assessed separately			283								
amendments to petition			283								
pleadings			283								
bringing in new parties			283								
trials of issue; jury, how selected			283								
jury to examine premises and report in writing			283								
issue, how tried			283								
judgment			283								
owners to construct drain or pay for construction			283								
appeal			283								
compensation to be paid into court or to party			283								
verdict to be of record			283								

constructing and repairing drain			283								
to perfect title of, and for taxation of						203					
in Lincoln county; proceeds of sales of, to be applied to payment of railroad indebtedness				314		200					
in Manitowoc and Calumet counties; commissioners of, and their powers		78	119								
trust, in relation to, revoked and lands reclaimed by state; drainage and sale provided for						303					
in Waukesha and Racine counties; James Reynolds authorized to complete drainage of										202	
proceeds of sale of certain, in Jackson county to be paid to said county; appropriation										291	
in Marathon, Clark, Shawano, Oconto and Chippewa counties granted to said counties respectively, with power to sell and apply proceeds to drainage, etc.; (See Railroads)			261		135	222	{ 62 382				
in Sauk and Columbia counties; proceeds of sales of, to belong to said counties; expenditure thereof						322	90	492	320		
in Shawano county, price of		212					440				
certain, in Clark county, granted to said county							66				
relating to construction of drains for overflowed											
commissioners of public lands to ascertain amounts due counties of Dane, Juneau, Kewaunee and Manitowoc counties on sale of, under laws 1882, '85 and '87									320		
SWEET POTATOES:											
legal weight of bushel of	1665			121							
SWINE:											
penalty for bringing into state when diseased	1492				121						
owner of, liable for damages by, to enclosed premises of adjoining owner	1890								278		
SWING, OLAF:											
extending time for maintaining ferry across St. Croix river by				43							
SWITCH TRACKS—(See Spur Tracks):	1802									370	
SWITZER, JOHN:											
appropriation for support and funeral expenses of		215									
SYRUP:											
to encourage manufacture of, from amber cane, etc				211	283	93					
TAMARACK CREEK:											
dam across, Oneida county								117			
TAMARACK RIVER:										104	
dam across, Burnett county											
TARR, SARAH JANE:											
appropriation to		97									

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
TATE, GEORGE E.:											
appropriation to, contested seat								142			
TATOGATIC RIVER:											
dam across, Washburn county								223			
TAYLOR COUNTY:											
amending act of 1875, for creation of		69									
authorized to borrow from trust funds of state			189								
state road in, from Medford					295	310					
state road in, from Westboro					*321	126					
state road in, from Westboro						157					
terms of circuit court in	2424						3			18 104	
TAYLOR ORPHAN ASYLUM:											
charter of, amended; meetings of directors				62							
relating to salary of treasurer of					9						
relating to election of director of; who eligible						78					
TAX—(See Taxation; Assessment of Taxes):											
special drainage and improvement, may be levied in Calumet and Manitowoc counties for drainage purposes										480	
cities of Grand Rapids and Centralia may levy a, to pay bridge bonds									2		
city of Milwaukee, to pay expenses of Grand Army encampment									11		
same in South Sewerage district									12 97		
county board to levy annual, to pay interest on Chippewa county bonds									5		
city of Waupaca to levy, to pay bonds, etc									8		
city of Chilton, to pay readjustment bonds									92		
city of Milwaukee may, to build bridge across Milwaukee river									182		
to be levied in counties for relief of indigent soldiers, sailors, marines, etc									339		
city of Kaukauna to levy, to pay bridge bonds									345		
city of De Pere, to pay bonds									497		

city of West De Pere, same										498		
highway, in towns, may be raised in money												284
for schools, levy of										389		229
TAXATION -(See Bonds; Assessment of Taxes, Highway Taxes; Lands Sold for Taxes; Exemption):												
repeal of secs. 1052 and 1053, R. S., 1878, relating to assessment of											458	
collection of statistics of				236								
levy of state tax for several years		230	204	324	312	195		516				
of corporations; insurance companies	1219	138										
telegraph companies					320							
telephone companies						345	337					
palace, drawing room and sleeping car companies						353	415					
exemption from; armories					162							
wearing apparel, etc., and two hundred dollars worth of household furniture and other personal property	1038[11]										361	182
property of Trinity Hospital association, Milwaukee; proviso	1038										429	
grounds used for fairs, etc	1038											110
lands of Northern Wisconsin railway company for ten years		22 219										
property of Turner societies						309						
property of corporations formed for care of insane, etc						171						
property of corporations for manufacturing zinc, etc., for three years						203						
personal property, where assessed	1040	244	165		278	354					473	179
cordwood		244									473	174
logs, timber, etc					258						473	174
of bank stock	1042							228				
tobacco, where assessed												180
assessment roll; lands, how described	1047			268								
in city of Oconto				103			188					
organs to be entered upon	1050[8]			247								
board of review; adjournment of; notice how given	1060			74								
state board of assessments, to meet annually	1069	124										
errors, how corrected				259								
equalization of assessment in counties; appeal			291		212					261		
tax roll; what to contain; form of	1070					59						
when to be delivered, with warrant to town treasurer	1080			269								
reassessment may be made at any time within three years	1087	255										
judgment after stay of proceedings and reassessment in action to recover money paid for taxes; validity of reassessment may be attacked, and second reassessment had	1164*a*	255		182								
what errors and omissions not to effect validity of assessment of tax	r1164*b*	255										
tender in action to avoid tax or tax proceedings	r1210*a* r1210*c*	255										
reassessment as evidence of amount justly chargeable; proceedings when validity of reassessment contested	1210*b*	255		128		263	219					

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
TAXATION—Continued:											
assessment and collection of taxes in cities and villages incorporated under general laws						178					
of taxes for 1879, in towns and cities where ass't rolls, etc., were destroyed or lost			6								
of poll taxes in villages	911			243							
by overseer of highways	1252			251							
valuation of property to be entered in receipts given for payment of taxes	1093							140			
of highway taxes	1240					103					
in Pierce county	124 2		60								
additional assessment	1241				215						
when town treasurer to proceed to collect unpaid taxes	1089			269							
collection fees to be remitted on taxes paid before January 10th	1090			269							
when town treasurer to pay over state tax	1110				180						
when county treasurer to pay over state tax in Burnett and Marathon counties	1121	202									
collection of delinquent taxes in villages existing under special laws; ch. 151, laws 1867, re-enacted			104								
relating to, of unpaid personal property tax	1127							325			
sales for taxes. (See Lands Sold for Taxes):											
publication of advertisement of sales in newly organized counties	1130 1131	95									
penalties for unlawful publication of advertisement of sales		150									
relating to notice of	1120							108			
to be held on third Tuesday in May	1130			214							
limit of, in villages containing 2,900 inhabitants				50							
city of Neenah to levy bridge tax							4				
to recover illegal taxes paid, what plaintiff must show	1164						341				
sales for taxes:											
county officers not to be interested in purchase	1148			268							
publication of lists of unredeemed lands in newly organized counties	1170	95							416	189	
on redemption of, only costs and charges, interest, etc., to be paid											
penalty for unlawful publication of lists of unredeemed lands		150									
tax certificates, how may be assigned; deeds thereon, to whom issued						104					
issuance of tax deed, when certificate lost, etc.	1177				48						

when timber has been cut on land sold for taxes, and warrants issued, tax certificate not to be sold unless purchaser pay costs, etc.	1195				254							
fees of county clerk and treasurer for issuing tax deeds, etc.	1196			153								
records of tax deeds not properly indexed, when to be legal				325								
limitation of actions. (See Lands Sold for Taxes):												
in actions to set aside tax sales, etc., plaintiff to pay into court amount for which land was sold, etc.			309									
pleadings in actions for recovery of lands sold for taxes; supplemental answer; amendment of complaint	1201d				250	153						
rights of married women and widows in lands sold for taxes	1181 1191 1008	194										
redemption of part of premises												218
redemption moneys, how disposed of after six years			220	80								
lands heretofore sold to state by counties, and transferred by state; action involving title not to be maintained unless taxes paid, etc.; when such lands liable to taxation	1093 1105 1129					278						
lands of minors sold, how redeemed												21
limitation of amount of tax to be levied in school districts	1166	118										
certain lands of Chicago, St. Paul, Minneapolis & Omaha Railway Company liable to						262						
in city of Beloit; corrected tax roll in Third ward legalized				26								
collection by, for highway and sidewalks in villages of 3,000 population, census 1885								78				
corrections in tax roll as to description of property, etc	1085							104				
school districts may levy, to pay interest and installments on loan for refunding indebtedness								231				
relating to, in Forest county								270		89		
town of Jegerson may raise money by, to pay interest, etc., on bonds								271				
towns may levy, to pay for sprinkling roads in								276				
county board to levy, for relief of indigent soldiers, etc								304	339			
cost of constructing highways crossing railway, may be raised by								493				
town of Marathon may levy tax of $300 to pay for right of way to Merrill & Abbotsford Railway Company								529				
in Brodhead school district; amount of tax to be raised in						16						
in Chippewa county; towns of Sigel and Flambeau to levy special tax to pay off certain bonds			42									
in Columbia county; law providing for abstract of tax sales, repealed				104								
in Marathon county, ch. 22, laws of 1867, relating to conveyance to state of lands sold for taxes construed						83						
in city of Milwaukee; restriction of				302								
special tax authorized to pay certain claims						321						
special tax in Tenth ward			13									
in Ninth ward			14									
in Second ward			15									
in city of Oconto, description of real estate for assessment, etc				105			188	363				
in Ozaukee county; town of Fredonia to levy a special tax to build a bridge				106								
in Price county; tax deeds on sales made by Chippewa and Lincoln counties			218									

SUBJECT MATTER OF LAW.	Revised Statutes amended or repealed.	GENERAL LAWS—YEARS, CHAPTERS AND AMENDMENTS.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
TAXATION—Continued:											
in Door county, for building state road								550			
in Shawano county; relating to abstract of tax sales in						235					
in city of Watertown; levy of tax to build bridge authorized					50						
in Waupaca county; abstract of tax sales to be maintained						161					
to legalize certain school taxes							204				
city of Neenah to levy a tax to pay bonds							4				
city of Rhinelander to levy a tax to pay for fire engine							15				
city of Berlin to levy a tax to pay loan from trust fund							77				
city of Watertown to levy a tax to build city hall							95				
city of Kenosha to levy a tax to pay bonds							120				
certain towns in Polk county to levy a railroad aid tax							143				
city of Eau Claire to levy a tax to pay bonds							151				
city of Kewaunee to levy a tax to pay loan from trust fund							153				
city of Chippewa Falls to levy a tax to pay bonds							184				
city of Milwaukee to levy to pay interest, etc., on intercepting sewer bonds								494			
same, bonds for repair of bridges										107	
pay expenses of Grand Army Encampment									11		
same bridge bonds									377		
same library bonds									409		
same										93	
same bridge across Milwaukee river									182		
same water department bonds									410		
same										90	
same a special, in west sewerage district							207	382		176	
same in Bay View district										88	
same in south sewerage district							432	451 / 510	12		
same										89	
assessment of merchants' and manufacturers' stock for, to be based on an average amount held during preceding year		1033					217	382			
repeal of ch. 217, and re-enacting section 1033							241				
town boards may levy a tax of $300 for opening and repairs of highways							277		433		
city of Sheboygan to levy, to pay interest on bonds							287				
to levy a state tax for school fund income											

city of La Crosse to levy a tax to pay bonds.... 804

city of Milwaukee to levy a tax to pay interest on bonds 807, 465

city of Milwaukee to levy tax to pay city hall bonds. 91
same public park bonds 92
same school bonds. 108
same to pave streets in Second ward 318
authorizing special tax to be levied for re-establishing extinct section and quarter section corners in townships 847
question to be submitted to voters 847
exemption from of lands belonging to military organizations not used for gain 1038[2] 876
city of Milwaukee authorized to relevy and reassess certain assessments for water pipe 433

TAXATION OF COSTS—(See Judgment; Execution):
in circuit court, to be on three days' notice 2927 91
clerk may require prevailing party to pay his fees in actions before entering judgment 748 163
execution not to issue until after 155

TAX CERTIFICATES—(See Taxation etc.):
how may be assigned 104
rate of interest on assignment of by counties, reduced 1193 182

TAX DEEDS—(See Lands Sold for taxes; Taxation, etc.; see also Sawyer County; Price County):
county clerk of Marathon county to execute certain, to state; effect of, and limitation of action to invalidate the same 801
in actions on, rate of interest on deposit by defendant under section 1200, R. S. 1878, reduced 1200 182

TAX LISTS:
relating to publication of 1170 95
of delinquent lands, etc., by county treasurer 1130 103

TAX RECEIPTS:
valuation of property to be entered in 1095 140

TAX ROLL:
county clerk may extend time for collection of taxes in 1084 3
lost or destroyed, how replaced 286

TAX SALE:
repeal of ch. 149, P. & L. 1862, relating to publishing of notices of, etc., Columbia county 501

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882	1883	1885.	1887.	1889.	1891.	1893.
TEA RIVER:											
dam across, sawyer county								85			
TEACHERS—(See State Superintendent):											
application for certificates to be examined on federal and state constitutions	450	237									
what to be examined on in various grades	459							79			
wages of, school taught on legal holiday not to be counted as two days	459							440			
qualifications of principals of free high schools	494	245		146						415	
certificate of, to be approved by state superintendent	494									415	
formation of inspection districts by county superintendents; notice of meeting for examination of teachers	451[6]		155	272							
diplomas of graduates, etc., when countersigned, equivalent to state certificates			209		1308		203				149
life certificates, when granted to							205				
repeal of ch. 303, 1882						325					
in high schools, special examinations of							215				
county superintendents of schools not to engage as, during term of office, when											
no certificate to be granted to any person as, in public schools after January 1, 1886, who shall not pass a satisfactory examination in physiology and hygiene	449						327				
grades of certificates established; who entitled to	449							79			
TEACHERS' INSTITUTES:											
relating to payment of appropriation for expenses of	408					214	7			402	
appropriation for	408									402	
TECHMER, OTTO C.:											
appropriation to								28			
TELEGRAM:											
judge of court of record may direct clerk to adjourn court by	2673							245			
TELEGRAPH:											
penalty for felling trees, etc., on wire without giving notice	4508			162							

TELEGRAPH COMPANIES:											
to make report and pay annual license fee	r1216				820						
liability of, for negligence							171				
short lines in this state to pay license								232			
ch. 345, laws 1883, made applicable to								233			
TELEPHONE COMPANIES:											
to transmit messages and rent telephones without discrimination						196					236
to make report and pay annual license fee						345	337			166	
penalty for injuring lines, wires or property of	4559						447				
act to regulate rental of, etc											236
TEMPORARY HIGHWAYS:											
opening and laying out, through timbered lands, liability of owners, etc., to be public									402		
TEN MILE CREEK:											
Chippewa county, dam across		154									
TENANCY:											
from year to year may be terminated by either party giving notice in writing thirty days prior to expiration of year	2187						109				
TENANTS IN COMMON:											
providing for partition of personal property owned by								180			
TENEMENT BUILDINGS:									804		
to have fire escapes; penalty											
TENTH JUDICIAL CIRCUIT:											
terms of court in	2424		109		8	87 288	134	488			
Forest county								234	207		4
Shawano county									297		
judge to appoint commissioners to settle claims between Forest, Langlade and Oconto counties								537			
TERMS OF COURT—(See Circuit Courts.) See page 735.											
in First circuit	2424	32							66		
in Second circuit	2424								50		
in Third circuit	2424	61		37		61	134				
circuit court in Winnebago county may be open from one term to another	2424	61									
terms of in Green Lake county										133	
any business except jury trials may be done at special terms		92									
clerk may adjourn on telegram of judge	2573							245			
in Fourth circuit	2424			63			17			5	
in Fifth circuit	2424	43						402			12
in Iowa county									505		12

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
TERMS OF COURT—Continued:											
in Sixth circuit	2424			35				6		12 397	2 137
general terms in Clark and Trempealeau counties									119		137
in Seventh circuit	2424			5 159	157 179	63	3	488	317	8 280	
special terms		9									
in Eighth circuit	2424	52		202			135		350	326	
special terms											
judge may fix special terms		52									
in Ninth circuit	2424	206		238	125				391	6	
in Tenth circuit	2424		100		3	87 288	134	224 488	207		4
in Eleventh circuit	2424	r181			90			488 511	51	2 377	
in Twelfth circuit	2424							r408	120		67
in Thirteenth circuit	2424			37	55 140						
in Fourteenth circuit	2424					283	169	82		355	
in Fifteenth circuit	2424							488	111	18 164	
in Sixteenth circuit										41	
in Seventeenth circuit										47	277
special terms may be ordered by judge				140							
of county courts having civil jurisdiction	2469			18							
in Milwaukee county	2469	225		18 276							
in Waukesha county										99	
in superior court of Milwaukee county									24		
in county courts; no regular terms to be held in July or August	2449					42					
special terms in Pepin county	2464				41						
extra jury terms of court authorized	2496						141			336	
TERMS OF IMPRISONMENT: of criminals, relating to, amendatory of	4788								290		

TERRACE PLACE, MILWAUKEE:
legalizing plat of ... 259

TESTERS:
of grain to be scaled; manner of using; penalty for unlawful use ... 174

TEXT-BOOK COMMISSION:
payment of expenses of ... 24

TEXT-BOOKS:
adoption and change of, by district boards ... 440
penalty for ordering unlawful change of ... 508
boards of education in cities to prescribe; when may make changes in ... 514
may purchase, to be loaned to pupils ... 514
books having tendency to inculcate sectarian ideas, not permitted ... 514
in physiology and hygiene to be approved by state superintendent and state board of health ... 251 327
question of, free for public schools must be submitted to every school district at July meeting annually ... 251 266
... 308

THAYER, CHAUNCEY:
to build a pier in Green Bay, Door county ... 82

THIEL, JOHN:
appropriation to ... 221

THIRD JUDICIAL CIRCUIT:
Special terms of court in ... 92
counties of Dodge, Ozaukee and Washington detached from, to create Thirteenth circuit ... 2423 87
general terms of court in ... 2424 134 133

THIRTEENTH JUDICIAL CIRCUIT:
creation of; counties of Washington, Ozaukee and Dodge to constitute ... 2423 87 140
terms of court in ... 2424 87 55
Waukesha county attached to ... 2423 55

THOMAS, JOHN:
appropriation to ... 198

THORNAPPLE RIVER:
relating to a certain dam in ... 163 95

THREATENING COMMUNICATIONS:
relating to, to extort money or other advantages or to compel person to do an act against his will or omit to do any lawful act ... 4380 243

TICKETS, ELECTION—(See Ballots): ... 379

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
TIMBER – (See Logs and Timber.)											
TIMBER AGENT—(See Public Lands):											
to ratify, confirm and make valid certain acts of John W. Bashford as			243								
TIME:											
computation of, in statutes	4971	194									
TIME CHECKS—(See Liens See Lumber and Building Companies' Employes):											
lien to extend to purchasers of, on logs, etc.									454 413		
TITLE—(See Lands; Conveyances; Public Lands, etc):											
to real estate, how quieted when records of county destroyed		177									
to real property by descent. (See Descent).											
to certain real estate in city of Monroe, to perfect; and vest same in Lewis Davenport.						133					
to swamp lands, to perfect						296					
relating to evidence of, to lands bid in by counties under chapter 132, laws 1866							319				
by descent, evidence of, how established, certificate, how granted								192	227		
guaranty companies may be formed for purpose of guaranteeing owners' to real estate	1771							352		274	
certain defects in conveyances of, of real estate, cured by record									404	288	
towns may acquire, to toll roads, how									307		
to perfect the, of certain lands granted to state by Marathon county									74		
to real estate in criminal cases, how shown									296		
actions to quiet	3186										
TOBACCO:											
to prevent the selling or giving away of, cigars or cigarettes to minors; penalty										434	
where assessed for taxation											180
appropriation for experiments in culture of, at university											490

TOLL BRIDGE:
across Wisconsin river, Wood county ... 2, 462, 159

TOLL ROAD:
street railway tracks may be laid on ... 298
towns, villages or cities may acquire title to ... 307
procedure for ... 307

TOMAH:
city of, incorporated ... 134
charter amended ... 86, 406, 57

TOMAHAWK:
city of, incorporated ... 58

TOMAHAWK RIVER:
dam across, Lincoln county ... 41
dam across, Lincoln county ... 346
dam across, Oneida county ... 252, 481

TOMAHAWK LAKES:
canal from Lake Catherine to, in Oneida county ... 137

TORTS:
personal, of wife, husband not liable for ... 25
survival of accounts of (except slander or libel) ... 3252, 368

TOTAGATICANSE RIVER:
Bayfield county, dam across ... 182
Douglas county, dam across ... 183
Bayfield county, dam across ... 184
Douglas county, dam across ... 185
Douglas county, dam across ... 344

TOWN BOARDS:
may make new record of highways, when and how ... 106
duty of, as to reassessment of benefits from drains ... 187
members of, to be inspectors of election, when ... 446
in towns containing unincorporated villages, may appoint policemen, etc ... 19, 463
not to allow accounts against town unless verified ... 113
to procure safes for town clerks in certain cases ... 114
chairman of, to administer oaths in proceedings before ... 147
may hold meetings in adjoining cities or villages ... 102
highways may be put under control of ... 890-902, 284
to appoint a commissioner of Canada thistles ... 233, 313, 432, 217
chairman of, to read this act aloud at every town meeting ... 233, 217

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
TOWN BOARDS—Continued:											
to cause guide boards to be erected	[1227									70	
may levy tax of $300, for opening and repair of highways							243				
duty of, when request is made for submission of proposition to levy special tax for re-establishing extinct section and quarter section lines in township							347				
may form and alter school districts	412						355				
to make division of towns into election districts	27						416				
to inspect plank, turnpike or other toll roads before same are opened to public	1886							r213			
certificate of, to be *prima facie* evidence that road was in good repair	1888							r213	209		
fees of, for inspection of road	1892							r213			
duties of, relating to sprinkling roads in towns								276			
to remove encroachments from highways, when										154	
may license keeping of billiard, pool and pigeon hole tables and bowling alleys								321			
may prohibit setting of fires and burning of logs and brush in towns, notice of, to be published								343			
must give five days' notice of time and place of meeting to lay out highway to owners of lands through which it will pass before proceeding to lay out same	1275							212			
notice of time and place of hearing to be given	1267								206		
discontinuance of, not to deprive owner of access to public	1270								206		
rule in estimating damages	1271								206		
on town line, how laid	1272								206		
same between town and city	1274								206		
providing for appeal from order of, laying out highway	1224							210			
duties of, respecting laying of drain through lands in towns								495			
statement of assessed valuation to, returned to county clerk from, etc	1066								470		
legalizing acts of the, of Stockbridge relating to poor farm										65	
TOWN CHAIRMAN:											
to put question at town meeting as to whether overseers be commissioners of noxious weeds										217	
TOWN CLERKS—(See town officers):											
to transmit papers on file in his office relating to appeals from awards of damage under sec. 137, to clerk of circuit court							46				

of any town in which there is situated an unincorporated village to separately enumerate the inhabitants thereof in census	997						58 161					
to be clerk of election											446	
relating to apportionment of school fund income, etc., by	558							275				
report of, relating to schools to be made to county superintendent when, and what to contain	463				72	296			156			
to keep record of books delivered to schools for library								426	288			
to notify town board when application for laying drain through land is filed with								4 5				
duties of, respecting proceedings								495				
legal highways not fully and sufficiently described or recorded, and such roads used as highways, to be ascertained, described and entered of record in office of	1223						108					
duties of, in enumerating census	994						161					
duties of, in enumerating census	995						161					
duties of, in enumerating census	996						161					
duties of, in enumerating census	997						161					
penalty for neglect of duty	1001						161					
compensation of	1008						161					
custodian of standard weights, measures and beams of his town	1662						181					
to insert a notice in, of annual town meeting that proposition for levy of special tax for re-establishing extinct sections and quarter sections in his town, when							347					
to levy amount certified by board when proposition carried							347					
to keep cancellation books; what to be entered therein		209										
duties of, as to statistics of pauperism and crime			271									
as to statistics of taxation and indebtedness				236								
to post duplicates of report of town boards	832				143							
to cause laws relating to noxious weeds to be printed on road warrants						228						
what to enter upon tax roll	1079					59						
town boards to procure safes for; penalty for failure to keep papers in safe						114						
to furnish blanks to overseers of highways								477				
to read this act aloud at town meeting								313	432	217		
to have copy of annotated statutes										205		
TOWN ELECTIONS—(See Town Meetings).												
TOWN INSURANCE COMPANIES:												
relating to organization of; form	1927						421		212	31		
transaction of business may be determined *viva voce*	1928		28									
when records to be kept open for inspection of members	1929				146							
property to be insured by, to be detached 100 feet from exposure	1931		134									
risks may be taken on country hotels and water mills	1931			48	187		421					
limits of risks taken by	1931					180	421		204			
form of policies; comittee to classify risks	1932				146							
may by vote of majority of stockholders present at annual meeting, insure property against loss by wind storms, cyclones and tornados	1932*a*							209				
liability of policy holders	1933			13	146							
committee to adjust losses	1934				146				253			
assessment to pay losses; notice how given	r1935	252		42	146				476			

Subject Matter of Law.	Revised Statutes amended or repealed — No. of section.	General Laws Years, Chapters and Amendments. 1879.	1880.	1881.	1883.	1885.	1887.	1889.	1891.	1893.
TOWN INSURANCE COMPANIES Continued:										
relating to payment of losses, assessments; duty of directors, secretary to give notice, may borrow money, etc								476		
annulment of policies	1997				140					
annual statement of; what to contain, etc	1998			48		421		476		
reports of, to show condition on December 31	1998				205	108	421			
statistics of, to be published in annual report of insurance commissioner			240							
how adjoining towns attached to territory of, number of	1940		211	200			421	88		
exemption of, from paying fees	1979	102								
all, heretofore organized governed under laws of state	1941						421			
directors of, may change place of annual meetings								229		
may insure cheese factories								217		
school district board may insure property with, and execute note for premium								414		
may insure for $2,500	1931									227
may reinsure risks, when										97
how to elect directors										19
secretary may administer oaths when	1934									66
TOWN LAWS:										
copyright to be purchased from editors		105								
compilation to be completed; index to be made		105								
publication and distribution of		195								
appropriation for		195								
governor, attorney general and state librarian to cause completion of, and enter into contract for same							203			
attorney general and state librarian to examine manuscript and certify correctness of same to secretary of state							203			
printing and distribution of							203			
appropriation therefor							203			
TOWN MEETINGS—(See Towns):										
opening and closing of polls at elections	796			239					407	
may be held in adjoining city or village						103				
of town of Menasha, may be held in city of Neenah					66					
of town of Neenah, may be held in city of Neenah				19						

special meeting in town of Fremont, Waupaca county, legalized 85
this act to be read at by clerk and vote on put by chairman, relating to commissioner of noxious weeds 213 482 217

TOWN OFFICERS—(See Town Boards; Town Clerks; Town Chairman):
relating to closing of polls when election of, held same time with judges 407
clerks; to keep cancellation books; what to be entered therein 209
duties of, as to statistics of pauperism and crime 271
as to statistics of taxation and indebtedness 236
to post duplicates of report of town boards 883 143
to cause laws relating to noxious weeds to be printed on road warrants 228
what to enter upon tax rolls 1079 59
report of, relating to schools; when made and what to contain 403 72 208 156
town boards to procure safes for; penalty for failure to keep papers in safe 114
treasurers; election of, in 1878, legalized; irregularity in filling bond cured 100
when tax roll and warrant to be delivered to 1081 206
when to proceed to collect unpaid taxes 1089 269
collection fees to be remitted on taxes paid prior to January 10th ..... 840 / 1090 269
when to pay over amount of state tax 1110 188
constables; not to serve process, when interested, etc 844 145
justices of the peace; bond by whom approved 846 45 284
qualification, in certain cases, to be deemed legal 284
police officers; when to be appointed 19

TOWN ORDERS:
when actions may be brought on 240

TOWNS—(See Town Board; Town Meeting; Town Officers, etc.):
relating to division of ..... 671 1 r73 11 / 230 r287 r464 406
petition of freeholders not required on change of boundary lines 464
validity of division, etc., when and how tested 674 54
division of, into election districts 27 r107 259 416
fixing place for holding elections 27 r107 259
number of votes to entitle to division 27 r107 259
containing villages of 1,500 inhabitants, registry of electors in; enumeration; when and how made 203 234
may hold elections and transact business in adjoining cities and villages 102
may acquire title to toll roads 807
when electors of cities and villages, incorporated under general laws, may vote at town meetings 178
publication and distribution of laws concerning organization and government of 195 203
accounts against, to be verified before allowed 821 113
actions against; when statement of claim must be filed 824 163
construction of street railways, etc., in 1863 221 887

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887	1889.	1891.	1893.
TOWNS—Continued:											
may purchase bridges on boundaries thereof					155						
counties may aid, in building and repairing highways, when								455			
what may answer in actions by, against villages for recovery of license moneys	896							473			
may raise highway taxes in money	902										284
expenditure of highway taxes in	1245					26					284
containing unincorporated villages of 1,000 inhabitants; powers of						292					
containing unincorporated villages, appointment of police officer in				19							
may hold and invest funds for embellishment of cemeteries; appointment of commissioners	1447			112	42						
expense of maintaining draw bridges between cities and, to be equally shared					130						
organization of boards of health in						167		201			
notice of presentation of petition to taxpayers for subscription to railroad stock, how given	946				333						
when damages for laying out country road exceed $1,500, question to be submitted to town liable therefor	1304					330					
apportionment of indebtedness when village incorporated from territory of						328					
to legalize certain school taxes in							204				
electors of, may authorize construction of tunnels	1340									49	
two adjoining, having highway line between, crossing stream, may levy tax	1320										
may issue bonds to build bridge	2321						345				
to encourage establishment of high schools in							352	285			
having township system of schools may borrow money from trust funds to build schoolhouses							354				
authorization, how given board of school directors by application to be made by board							354				
limiting amount of damages recoverable in actions against, under sec. 1339							454				
when village may act independent of, joint property, how divided									341		
TOWNSHIP SYSTEM OF SCHOOL GOVERNMENT:											
general provisions relating to, and amending secs. 521, 522, 523, 524, 525, 536, 529, 534, 537, 539, 541, 544, 545, 547, 548 and 552, R. S.								297	293		
loans from trust fund authorized to any town having							354				
elections to fill vacancies in office	548					68		297	299		

report of secretary, when made and what to contain ... 537 ... 72 ... 201 207 293
to legalize certain taxes in towns under ... 521 ... 293
meeting of board, time changed ... 525 ... 296
when to make estimates ... 537 ... 293
secretary to report to county superintendent ... 547 ... 293
subdistricts who to control ... 547 ... 293
legalizing vote of town of Clear Lake, abolishing ... 295

TOY PISTOLS:
sale or use of, prohibited; penalty ... 116

TRACK OR STREET RAILWAYS:
may be had on toll roads ... 298

TRACT INDEXES:
when counties may discontinue ... 762 ... 149

TRADE LAKE:
town of, Burnett county; to attach certain territory to ... 172

TRADE MARKS:
to protect, of trades unions ... 280 14, 104

TRADE RIVER:
Burnett county, dam across ... 177, 44 ... 148

TRADES UNIONS:
to protect labels and trade marks of ... 280

TRAINS—(See Railroads):
boys not to get on or off, moving ... 183

TRAMPS—(See Vagabondage):

TRANSCRIBING:
of senate and assembly journals; appropriation for completion of ... 64 80 54 27

TRANSCRIPT:
of judgment, of justice of the peace, form of ... 3669 ... 31

TRANSPORTATION:
of Wis. Nat. Guard, how provided, sec 39 ... 292

TRANSPORTATION COMPANIES:
service of process upon; appointment of attorney therefor ... 193 189

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
TRAVERSE:											
damages and costs awarded defendants on issue joined by, of attachment to be applied as a set off on plaintiff's demand	2747						343				
same rule in, of, on attachment in justice courts							424				
assignee may, in attachment, when								451			
TREASURER:											
county ineligible after two terms											35
TREASURER OF SCHOOL DISTRICT:											
no director, teacher or clerk shall be	443	117									
TREASURY AGENT, STATE:											
annual report to governor									172		
fees of									457		
TREATING:											
to intoxicating liquors; penalty for	1550			101	51						
TREMPEALEAU COUNTY:											
authorized to borrow money from trust funds of state		101									
relating to donation of money to, by town of Lincoln						22					
relating to a donation of money to, by town of Burnside						305					
terms of circuit court in	2424			35					119	12 397	9 13
special terms of county court at Trempealeau not to be held	2464							443			
fishways in dams in Trempealeau river										451	
TREMPEALEAU RIVER:											
fishways and dams in										451	
TRESPASS:											
in hunting or fishing on lands of others											105
penalty for taking and carrying away things annexed to realty								99			
upon public lands; see Commissioners of Public Lands										330	
upon public lands; where action for may be tried											69

TRIALS—(See Place of Trial, Change of Venue):
in vacation; (see circuit courts):
change of venue on ground of prejudice of judge 435
by referee, when county to pay 2496
powers, etc., referee on trial 242
appeal from cause tried by referee, how heard 2496 242
to be reviewed on appeal, whether excepted to or not 3070 242

TRINITY HOSPITAL ASSOCIATION:
real estate of, exempt from taxation for five years; proviso 420

TRIPP, GILBERT P.:
to maintain a ferry across Mississippi river at Alma, Buffalo county 241

TROUT—(See Fish and Game):
preservation of, in counties of St. Croix, Pierce and Pepin 33
preservation of, in Marathon county 166 122
protection of, in state 321 280 115 375 486 106
preservation of, in Brown county 67
sale or barter of, prohibited 471 375 869
duty of fishermen respecting mixing eggs, etc., of 482

TROUT BROOKS:
penalty for throwing sawdust, etc., in 490

TROUT RUN:
Jackson county; preservation of fish in 211

TRUANT OFFICERS:
boards of education and district school boards to appoint; duties and compensation 187

TRUMBULL, JOHN:
appropriation to 529

TRUSTS:
protection against, and monopolies 219

TRUST COMPANIES:
organization and powers of 204 33 r158 263 425
to make report annually to secretary of state r158 263
supreme court may authorize examination into affairs of r158 263

TRUST DEEDS:
how executed by electric light companies 72

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	9	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
TRUSTEES—(See Executors and Administrators):											
sale and conveyance of real estate held by, authorized							448				
boards of, of various charitable, reformatory and penal institutions abolished				208							
of Mount Hope cemetery association, Brooklyn, Green county; acts of, legalized		51									
of soldiers' orphans' home; to restore and continue board of		119									
of Eau Claire Wesleyan seminary, Eau Claire; acts of, legalized				16			22			272	
La Crosse Presbytery to appoint two-thirds of the, of Galesville university											
of Milwaukee county orphans board											
relating to election of, for Free Masons, Odd Fellows and other similar societies	2002							204 208			
married women may act as	2092								68		
TRUST FUNDS—(See Commissioners of Public Lands):											
rate of interest on fixed									279	143	
of state; loans and extension of loans from	1238			167							
commissioners of public lands to control				167							
loans, how made				167							
certificate of indebtedness				167							
taxable property stand charged with the debt				167							
duty of secretary of state				167							
duty of attorney general and secretary of state in case officer neglects or refuses to perform duties required by this act				167							
penalty for misapplication of loan				167							
extension of loans				167							
when vote of electors is required				167							
St. Croix trespass fund, appropriated to corporations to which lands have been patented					108						
relating to, loans and management of								541			
application for loan to school district to be submitted to vote, etc	962								303		
application of direct war tax to various, by state treasurer	961									458	
loan to Appleton school district authorized											229
boards of education may borrow											176

TRUSTS:											
express, for what purpose may be created	2081					200					
execution of certain, assumed by state by acceptance of grants of land to aid in construction of certain railroads		23 219									
TUFTS, JAMES:											
to build a pier in Lake Michigan, Door county						94					
TUNNELS:											
electors of towns may authorize construction of	1346									49	
railway corporations may build railways through										r282	119
TURNER SOCIETIES:											
exemption of property of, from taxation						309					
TURNERS' MUTUAL BENEFIT ASSOCIATION OF THE NORTHWEST:											
not a life insurance company within the meaning of state laws											477
TURNPIKE:											
road corporations may purchase franchises											82
TURTLE CREEK:											
Barron county, dam across			32								
Barron county, dam across			33								
TUTTLE, PROFERUS N.:											
and another, to maintain a ferry across Mississippi, at De Soto				291							
TWELFTH JUDICIAL CIRCUIT:											
terms of court in, general, to be special for whole circuit	2424						r438				
repealed								120			
TWO RIVERS:											
city charter of, amended						311				62	
justices of the peace elected in Third ward of, may keep office in Second ward										15	
UNDERGROUND RAILROADS:											
railway corporations may build										r2 2	119
UNDERHILL:											
town of, Oconto county created											6
UNDERTAKING ON APPEAL:											
extending time for respondent to except to sufficiency of sureties	3065									116	
UNIFORMS:											
of Wisconsin National Guard—(See Wisconsin National Guard)			185								

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws [illegible], Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1885.	1885.	1887.	1889.	1891.	1893.
UNINCORPORATED VILLAGES—(See Villages):											
police regulations in				19			463				
powers of towns containing						292					
UNION:											
town of, Rock county; extending time of payment of loan from school fund to school district number Six, in			[illegible] 204								
UNION GROVE:											
Racine county; acts of Congregational church of, legalized						138					
UNITED STATES:											
to have the right to overflow certain state lands					256						
jurisdiction over certain lands in the city of La Crosse ceded to, for purposes of erecting a public building thereon							325				
same in city of Milwaukee									311		
same in city of Sheboygan										68	
same in city of Racine										240	
same in city of Ashland										412	
may locate and construct levy in city of Portage									424		
state agent to be appointed to settle claims of state against, growing out of swamp land grants to state							456				
governor authorized to prosecute and settle claims of state against, execute deeds, etc.								515			
jurisdiction of Sturgeon Bay canal ceded to											11
UNITED STATES BENEVOLENT FRATERNITY:											
exempt from provisions of insurance laws								534		477	
UNITED STATES COAST SURVEY:											
surveying parties may erect signals, etc., and encamp on lands		38									
damages thereby assessed by county court		38									
tender of damages, costs		38									
penalty for interfering with signals, monuments, etc		38									

UNITED STATES COURT COMMISSIONER:
may administer oaths and take acknowledgments 9

UNITED STATES COURTS:
judgments and decrees of, may be docketed, etc., in offices of clerks of circuit courts in the several counties 146

UNITED STATES FLAGS:
school boards may purchase 279

UNITY GUARDS:
appropriation to 17

UNIVERSITY OF WISCONSIN:
Cadwallader C. Washburn made honorary life member of board of regents of 378 65
government of, president to be member of board 378 289
separate publication of reports of Washburn Observatory and of departments of agriculture and mechanic arts 124 320 435 174
to encourage manufacture of sugar and syrup from amber cane, etc., at 211 233 02
appropriation to regents for repair of water works 281
law department entitled to certain books from state library 309
appropriation for reconstructing, heating and ventilating main hall of 298
publication and distribution of report of professor of agriculture 28 320 435 526 249
gifts, etc., to, how made 389 20 198
increase of income 390 300 283 29
for construction buildings, armory, college of law and gymnasium, etc 29
establishment of agricultural station and chair of pharmacy and *materia medica* at 300
appropriation for building science hall and other buildings 832 25
same, for roofing of 25
same, for completion of 500
same, for illustrating reports of agricultural experiment station 146
same, improvement of Ladies' Hall 416
same, to purchase Camp Randall, and for general purposes 980
object of University 335 273
colleges, what to embrace 336 278
Mechanical Arts, department of, 1 per cent. of license tax of railroads, etc., to be devoted to support of 282
appropriation for summer school at 458
appropriation for A. Hilker, et al., for work, etc., on buildings of 504
same, to Gilbert Anderson, et al 529

UNLAWFUL DETAINER:
when tenant holding over, after default in payment for rent may be ejected; service of notice ..... 398[2] 226

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883	1885.	1887.	1889.	1891.	1893.
UNTESTED OILS—(See Illuminating Oils):											
sale of, in Rock county, not prohibited	4359	189									
penalty for selling			209								
USES AND TRUSTS:											
for what express purpose may be created	2081					290					
USURY:											
legal rate of interest 6 per cent	1688										61
UTICA:											
town of, Crawford county, authorized to build a bridge across Kickapoo river						143					
VACANCIES:											
in state offices, how filled	961 965									84	
where officer adjudged insane, it creates	962								361		
in office of county superintendent, state superintendent to fill	967	178									
governor may fill by appointment when legislature not in session	433			307							
in school offices, under township system, how filled	523					68		297	427		
in school district boards, how filled										81	
when election to be held to fill, in village, ward or city elective offices	970a								84		
how filled, when, occur in nominations for public office										879	
VACATION—(See Circuit Courts):											
filing of decisions and trials in, when judgment may be signed in				140	180	101 169					
of streets and alleys in village	901									174	
of certain additions to city of La Crosse						212					
of plats, cities or villages	2265						60	219			
legalizing acts of Milwaukee common council and Milwaukee county board of supervisors, in the, of alley in block 228, in city of Milwaukee										117	
of part of alley in Thirteenth ward, city of Milwaukee										384	
VAGABONDAGE:											
suppression of; "tramp" defined		188 189				342 342		470 470			
penalty for being tramp											

jurisdiction of courts; fees ... 188 ... 291 342 333 470
punishment for threats, kindling fires, etc ... 188 ... 470
punishment of tramps for congregating; may be prosecuted ... 188 ... 470
powers of peace officers ... 188 ... 470
fees of officers, county board to fix ... 188 ... 291 ... 470
tramps may be detailed to work on highways; compensation of officers in charge ... 188 ... 470
refusal to work punished by solitary confinement ... 470
when sentenced, how punishable ... 188 ... 470
may be punished by hard labor ... 470
to be prosecuted together for unlawfully congregating, etc ... 470
complaints to be made for highest offense ... 470
when jailor or sheriff to be paid for boarding tramps ... 188 ... 342 ... 470
not to permit tramps to have tobacco, newspapers, cards, etc ... 470
penalty for connivance on part of officers for increasing fees, etc., hereunder ... 470
purchase of real estate by counties for jail purposes; condemnation of land ... 188 ... 470
sentence to imprisonment in county jails of Racine, Kenosha or Waukesha counties under act of 1879, for suppression of vagabondage, may be executed at house of correction, Milwaukee county ... 291
where prisoners shall be conveyed ... 291
inspectors to send bills to county clerks ... 291
act not binding on Milwaukee county ... 291
arrest and examination of tramps ... 342 333 470
information, arraignment and trial ... 342
tramps under arrest for misdemeanor to be surrendered and tried first for vagabondage ... 342
police justices in villages may issue process for apprehension of tramps ... 333 470

VAN DUSEN, O. D., ET AL.:
and others, may build dam across south fork Flambeau river, Price county ... 140

VAN EPPS, A. J:
and others, to build and maintain piers, docks and bath houses in Hick's lake, Waupaca county ... 61

VAN HOLLAN, DIEDRICH:
extending time of, for maintaining certain ferry across Mississippi river ... 68

VAUGHN:
town of, created in Iron county ... 7

VEAZIE:
town of, Washburn county, created ... 172

VENISON:—(See game law) ... 106

VENUE:—(See Change of Venue; Place of Trial): ... 2619
place of trial of actions against a railroad company ... 303

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
VERDICT:											
in ejectment, actions, in certain cases											283
VERMILLION RIVER:											
Barron county, dam across			26							321	
VERNON COUNTY:											
state road in, from Hillsborough		123									
state road in, to Hillsborough					228						
terms of circuit court in	2424			35				6		12 397	2 137
allowing stock to run at large in uninclosed lands in			r162		44						
authorized to borrow from trust fund of state			1								
act for protection of fish in Baraboo river, repealed			224								
fishways in				r206	147						
relating to De Soto union school district in					20						
VERNON COUNTY SCANDINAVIAN MUTUAL INSURANCE COMPANY:											
Hamburg Town Fire Insurance Company to reinsure			82								
VETERANS' HOME, WISCONSIN:											
appropriation to								513	264	393	248
who admitted									205		
city of Waupaca may aid									8		
VETERINARY MEDICINE AND SURGERY:											
to regulate practice of; who may; fee for registry; practitioner to be registered								347			
VETERINARY SURGEONS—(See State Veterinarian):											
governor to appoint a state veterinarian							407				
duties of							407				
compensation of, when called in consultation, sec. 10							407	70			
who considered, sec. 10							407	70			

to regulate practice of; must be registered, etc. 347
authorizing city of Milwaukee to employ a 342

VILAS COUNTY:
created 150

VILLAGE BOARD—(See Villages):
of Wonewoc, action legalized 250
application to, for franchise to be published 148
or officers not to be interested in contract with village 17

VILLAGE CLERKS—(See Villages):
to keep cancellation books; what to be entered therein 209
duties respecting assessment and collection of taxes in 391 341
duties of, as to statistics of taxation and indebtedness 236
to certify result, etc., to secretary of state on vote for adoption of general act relating to cities, sec. 12 320
voters to determine whether office be filled by appointment or election in villages incorporated under special laws 852c 155
duties of, in enumerating census 994 to 997 161
penalty for neglect of 1001 161
compensation 1003 161
of incorporated villages to have copy of annotated statutes 205

VILLAGES:
sewers and drains may be constructed in, duty of board, may levy tax for, etc. 262
may acquire title to toll roads, how 307
may acquire title to real estate for public use 298 [illegible]
may issue bonds for improvements, etc 274 274
when may be incorporated as cities, secs. 7 and 12 326
area of, not to be less than one-half square mile 854 92 211
territory lying in two adjoining counties may be incorporated 854 203 211
organized under chapter 203, of 1880, or chapter 92, of 1881, declared to be legally incorporated 211
appeals from police justice or justice of the peace in, lying in two or more counties, may be taken to circuit court of county where offense was committed 211
incorporated, may collect taxes assessed in, etc 391 341
when may act separate and independent of town 341
joint property how divided between town and 341
in actions against, by town, to recover licence moneys from, what answer may be 473
providing for more efficient collection of taxes due fire department of, from insurance companies 486
notice of application for incorporation 857 204
defects in order of incorporation, when corrected 861 3

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
VILLAGES—Continued:											
irregularities in organization not to invalidate incorporation	861			8							
apportionment of indebtedness between town and village incorporated from territory thereof						338					
enumeration of inhabitants to be taken separate from towns	20[3]		234								
incorporated under special laws; election of justice of the peace and constables				270							
voters to determine whether offices of clerk and street commissioner be filled by appointment or election	852c					155					
jurisdiction of police justice; when incapacitated any justice of village or adjoining town may act	886		127	75							
powers of village board; to provide for removal of snow and rubbish, etc, and abatement of source of filth	892					45			104		
may compel numbering of houses, etc	80[3]					216					
in relation to roads and sidewalks	802[11]				246				104		
may permit water and steam pipes to be laid in streets, etc		125									
relating to dissolution of			55								
additional powers of villages containing 2,900 inhabitants						250 253					
representation on county board						250 253					
annexation of additional territory						250 253					
existing under special laws; powers of trustees as to building and repairing sidewalks, gutters, highways, etc, and assessment of expense thereof on adjoining land owners; collection of delinquent assessments, ch. 123, laws of 1878, re-enacted		191									
lands in, how to be platted					52						
lists of lands taken for alleys or streets, to be recorded				r819			237				
vacating of streets and alleys in	904									174	
when to constitute separate road district; collection and expenditure of poll taxes; additional highway tax, when collected	905			108						464	
improvements of streets in											
may purchase and hold bridges in common with towns	802[13]				155		185				
village board may license dogs											

to provide for the collection of highway and sidewalk taxes in villages embracing parts of two or more towns							265	78			
not to apply to, having less than 3,000 population, census 1885								78			
to appoint a marshal	802[37]						374				
to provide for erection and maintenance of water works and lay water pipes in	802[39]						430				
providing for laying out, altering or discontinuing highways from points within to points without, incorporated								133			
to limit speed of trains and locomotives in										467	
may pass by-laws to restrain drunkenness, disorderly conduct, etc							463				
relating to instruction of deaf mutes in							315				
report concerning, to be made by trustees, when							315				
police justices in incorporated, may issue process for apprehension of tramps							333				
limiting amount of damages recoverable in actions against, under sec. 1339							454				
situated on opposite sides of river may unite in building, purchasing or leasing bridges, and may borrow money therefor				245							
incorporated under general laws; assessment and collection of taxes in						178					
when may control building and repairing of bridges						178					
time for holding elections in, how changed						178					
electors of, when may vote at town meetings						178					
term of offices in such changed						178					114
assessment and collection of poll taxes in	911			248							
levy of taxes by village board, when exceeding one per cent. to be submitted to vote; notice, how given	914		212								
of taxes, limit in villages containing 2,900 inhabitants				50							
existing under special laws; collection of delinquent taxes in, ch 151, laws of 1867, re-enacted		194									
notice of presentation of petition to taxpayers for subscription to railroad stock, how given	946					581					
officers to be elected at charter election	875						374		16	269	
construction of street railways and tramways in	1803		221							387	
may acquire lands for construction of water works						165					
may hold and invest funds for embellishment of cemeteries; appointment of commissioners	1447			112	42						
organization of boards of health in						167		291			
question of dissolution to be decided by two-thirds vote	955		55								
unincorporated; police regulations in				19			468				
when powers relating to villages under ch. 40, R. S., applicable to						292					
enumeration of inhabitants of the various, census 1885, conclusive evidence of the fact								281			
inhabitants of, to be separately enumerated by town clerk in census	997			252			{ 58 161				
VINCENT, LOUIS AND OTHERS: to build pier in Chippewa river			104								
VINEGAR: to regulate manufacture and sale of, and prevent adulteration of										394	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
VIROQUA:											
city of, incorporated							54				
charter amended							160	130	118	1-246	
VISITING COMMITTEE:											
to state institutions, appropriation to											25
VITAL STATISTICS:											
registrar of, for Milwaukee											239
VOLKMAN, HENRY:											
may construct drain											81
VOLUNTARY ASSIGNMENT—(See Creditors):											
when assignee may file receipt or release in full of creditors and apply for discharge	1701				70						
circuit judge may remove, when	1702							548			
to file statement of condition of his trust at least annually with clerk of circuit court	1702c							549			
rights and interests of creditors vested in, to avoid fraudulent conveyances	1702a				170						
when assignee or any creditor may have order for inspection of books of assignor and for examination on oath of assignor, and other witnesses as to business affairs and conditions of assignor before assignment	1702b					240					
to prohibit debtors from giving preference to creditors, and to secure equal distribution of property among all creditors	1693a					349					
exempt property claimed by assignor in, need not be specified in assignment								411			
assignee may appear and defend attachment proceeding and traverse affidavit								451			
wages due employes of assignor for three months preceding assignment shall be preferred over claims of all other creditors and be first paid by assignee							48				
failure of assignor to make and file inventory and list of creditors twenty days after assignment not to invalidate	1697						251	317			
mistake in, not to invalidate, when								317			
when creditor may bring suit to set aside fraudulent preferences and conveyances of assignor in								202			
creditors must file proof of claim, etc., to secure dividend	1700	194[19]									

discharge of insolvent debtors who make, procedure, application, etc.									385	83	
filing of assignments a sufficient approval	1695										276
VOTES—(See Elections, Electors):											
VOTERS—(See Electors; Inspectors of Elections):											
how to prepare ballot, secs. 23-24									248 494		
when ballot spoiled may procure another, sec. 25									248		
when may be assisted in preparing ballot, sec. 26									248 494	379	
not to deposit ballot unless indorsed, sec. 27									248		
penalties for violation thereof, sec. 36									248	379	
questions to be submitted on challenge									507	379	
when descendants of Chippewa Indians may become		84									
registration of nonregistered, when they may vote	24		315								
who are	12					39					
in incorporated villages to determine whether offices of clerk and street commissioner shall be filled by appointment or election	852c					155					
penalty for preventing, hindering, controlling or intimidating							174		248 494	379 379	
duty of, when right to vote is challenged							464		507	379	
must be registered in cities of not less than 3,000 or more than 20,000 inhabitants								543			
must be registered in Florence county								182			
VOTING PRECINCTS:											
how composed and arranged										379	44 288
VROMAN & MASON:											
appropriation to									504		
WAGES—(See Teachers):											
when plaintiff not required to give security for costs in actions for collection of							223				
due employes to be first paid, and in cases of voluntary assignment preferred over other claims							48				
of laborers in repair or construction of railroads, companies liable for	1815										46
when railway company becomes successor of pre-existing corporation, liable for wages then due employes and laborers for six months prior							85				
exemption to amount of $400 for, due laborers and servants for services	2982[11]						336				
when may be weekly or bi-weekly									474		
lumber and building companies to issue negotiable written evidence of indebtedness for, when payment of, deferred, penalty										430	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
WAITE, C. M.: appropriation to									504		
WALL, EDWARD C.: appropriation to		223									
WALL-EYED PIKE—(See Fish and Game): protection and preservation of				46				375 412	486 871		
WALWORTH COUNTY: drainage and reclamation of lands in, and Racine county, procedure								169	329		
to discontinue part of state road in			132								
preservation of fish in							45				
register of probate in									291		
WAR TAX: how to be applied and distributed by state treasurer										453	
WARDS: insane, claims against, how allowed	3963									27	287
WARDENS—(See State Fish and Game Wardens): salary and allowances to, increased											237
of state prison to reside on prison grounds											178
WASHBURN, CADWALLADER C.: made honorary life member of board of regents of University	378	65									
WASHBURN COUNTY: created	5					178					
terms of circuit court in										9	

WASHBURN OBSERVATORY:
separate publication of reports of 194 174
providing for employment of a director of 418

WASHINGTON COUNTY:
detached from Third judicial circuit and made part of new Thirteenth 2423 37
preservation of fish in 343

WASHINGTON HARBOR:
Door county, pier in 42

WATCHMAN:
all inns, hotels or other buildings more than two stories high, containing apartments above ground floor, designed for fifty people or more, to have a night 375
penalty for neglect 375

WATER:
Governor may contract for supply of, for capitol 170

WATER COMPANIES:
how to execute trust deeds, mortgages, etc 73

WATERING PLACE:
person maintaining on highway, to be credited $5.00 on highway tax ..... 337 21 ....

WATER PIPES:
providing for laying in, villages 2393 420

WATER POWERS:
action for partition or to settle differences between owners 3149 203
appointment and powers of commissioners 3150, 3151 203
procedure 3152 203

WATER RATES:
collection of, in city of Milwaukee 261
incorporated cities 268

WATERTOWN:
town of, and Farmington, to build bridges across Rock river 65
town of, may build bridge across Rock river 76
city charter of, amended ..... 46, 67, 140, 156 ..... 59, 254 ..... 80 95

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
WATERTOWN—Continued:											
election of justices of the peace in city of		67 140	254								
may issue bonds to compromise indebtedness										212	
erection of union or high school building in		122									
amending union school law of				36							
relating to settlement of railroad debt of, city of				r169		313					
levy of tax for building iron bridges authorized					50						
new bonds not to be issued by, except by popular vote		46									
to levy tax to build a city hall							95				
WATERTOWN FIRE DEPARTMENT: members of, exempt from certain duties			161								
WATERTOWN MUSICAL SOCIETY—CONCORDIA: conferring certain powers on, and amending ch. 372, private and local laws 1870, relating to									129		
WATERTOWN MUTUAL BENEFIT ASSOCIATION: not a life insurance company, within meaning of general laws										477	
WATER WORKS: powers of corporations formed to construct	1780	211									
construction of, in city of Eau Claire						149					
corporations for construction of, may acquire real estate by right of eminent domain					325	165					
cities and villages to have similar powers						165					
to provide for erection and maintenance of, and laying water pipes in villages	892[29]						480				
authorizing submission of question of, to voters of city of Ripon								r100	325		
city of Elroy may issue bonds to complete system of										37	
city of Eau Claire may acquire bond, mortgage, etc										309	
WATSON, ANNETTE H.: appropriation to							208				

WAUBESA LAKE:
Dane county, protection of fish in 89 228

WAUKESHA:
town of; certain lands ceded to, for roadway to cemetery 156
to alter state road between and Racine 108

WAUKESHA COUNTY:
detached from Second judicial circuit and attached to Thirteenth 2423 55
providing for drainage and reclamation of certain lands in 169 329 224
granting James Reynolds right to complete drainage of certain swamps lands in 202
special terms of county court in 2404 85
civil, criminal and appellate jurisdiction conferred upon county court of 99
protection of fish in 454
state road in, to Milwaukee county 470
sentences to imprisonment in county jail of, under act of 1879, for suppression of vagabondage, may be executed at house of correction of Milwaukee county 201

WAUPACA:
city charter of, amended 81 210 212 97 246 323
authorized to issue bonds to pay for donation of site to Wisconsin Veterans' Home 8
city of, authorized to borrow from trust funds of state 198
city of, to sell public square and appropriate money toward building new court house 237
city of, to enter into contract with Waupaca county relating to purchase of court house for city hall 90
town of, to appropriate $1,500 to Waupaca county 96
city of, to raise money to aid in construction of new court house 103
town of, authorized to borrow from trust funds of state 198

WAUPACA COUNTY:
relating to county printing in 66
state road through 142
relating to new court house in 237
appropriation of $1,500 to, by town of Waupaca 90
county clerks to keep abstracts of tax sales in 161
sales of certain lands in, authorized 154 260
terms of circuit court in 8 8 380 185
dam across Little Wolf River in 186

WAUPUN:
city charter of, amended 180 91 60 46
company of infantry to be located at and mustered into service and enrolled as part of Wisconsin National Guard 452

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
WAUSAU:											
establishment of municipal court in the city of; election of judge; jurisdiction, precedure, etc		115			79						
city of, authorized to borrow from trust funds of state			8								
city charter of, amended			323	71	26	151	118		150 195	200	
WAUSAU BOOM COMPANY:											
charter of, amended				97		201		118			
WAUSHARA COUNTY:											
action of county board of, legalized		48									
sale of certain lands in						225					
sale of certain lands in						226					
sale of certain lands in						227					
appointment of fish warden for						197					
terms of circuit court in							3			8 380	
commissioners of public lands, authorized to sell a piece of land in							459				
WAUSAUKEE, TOWN OF:											
town of Amberg created out of										161	
WAUSHARA COUNTY:											
terms of circuit court in											135
WEBSTER'S DICTIONARY:											
appropriation for purchase of copies of			23	25							
state superintendent may sell to state institutions				195	45						
purchase of by state superintendent					45						
WEDGE'S CREEK:											
Clark county					161	80					

WEEDS (See Noxious Weeds):
act for destruction of.... 1480a 313 439j 148

WEIGHTS AND MEASURES:
legal weight per bushel of certain farm products.... 1665 121
public standard to be preserved.... 1658 181
professor of engineering of university, state sealer of.... 1659 181
county board to procure standard set.... 1660 181
county treasurer, county sealer of, his duties and fees as such.... 1661 181
when standard to be proved and tested by town clerk.... 1662 181
penalty for neglect of duty by sealer.... 1663 181
of hair, plaster and lime 55

WEIRICK, JOHN:
appropriation to.... 76

WELLS, JAMES S.:
appropriation to.... 129

WELLS, O. E.:
appropriation for revising school code.... 178

WEST BEND:
city of incorporated.... 99
charter of, amended.... 51, 52
vacating part of Elm street in.... 167

WEST BRANCH:
name of village of Spring Valley, Richland county, changed to.... 171
name of, changed to Bloom City.... 522

WEST DEPERE:
authorized to hold and lease real estate.... 156
authorized to aid in purchase of certain bridge across Fox river at DePere.... 157
name of city of Nicolet changed to.... 383
may issue bonds for improvements in.... 498

WEST KEWAUNEE:
Kewaunee county, authorized to build a bridge across Kewaunee river.... 53

WESTBORO:
to detach certain territory from town of, and Chelsea, and create town of Rib Lake.... 248

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
WESTON, TOWN OF: extending time for earning certain bonds granted by, to Black River Railroad Company				1							
WEATHERBY, DAVID: appropriation to			80								
WHARF LINES: when county boards may establish; when may alter or discontinue	670			207		97 310					
WHARVES: Oconto may issue bonds to build									230		
WHITE FISH: protection of								375 520	482 486	233 291	
WHITEHALL: name of the First Baptist church society of Lincoln changed to First Baptist church and society of, and acts legalized									79		
WHITE RIVER: dams on, and tributaries, Bayfield county						224			894		
dam across in Ashland county authorized											99
WHITEWATER: city of, incorporated							227				
charter amended								121	221	405	
WIDE TIRE WAGON: exempt from taxation											151
WIDOW: rights of, in lands sold for taxes, (See Lands Sold for Taxes):	1181 1191 1208	194									
electing not to take jointure or devise, takes what interest in homestead	§179				205						79

not to appoint testamentary guardian, when husband has by last will	3365							201			
WIERGOR RIVER:											
Chippewa county, dam across		71									
WIFE:											
divorce from, on ground of insanity	2356			r297	230						
husband not liable for personal torts of						25					
competent witness against father for abandonment of children	4587c				200			218	268		
chattel mortgage on household furniture invalid unless signed by, when	2313								268		
same as to exempt personal property									268		
release of dower of insane	2225							365			
punishment of husband for abandonment of, or neglect or refusal to provide for								422	318	321	
a competent witness for or against husband in action								422	318		
on divorce may assume former name, when	2376a									280	
when may claim and maintain action for exemptions of debtor											437
may insure wife or husband, son or other person for own benefit	2747									271	376
WILD ANIMALS—(See Fish and Game):											
when may be poisoned	1629	106		150							
law for giving bounties repealed	r 1626, 1627, 1633, 1630	254									
counties may pay bounties for foxes	670d		110								
bounties on				150	80	116					
WILD DEER—(See Deer):											
WILHELM, MICHAEL:											
appropriation to										185	
WILLIAMS' FREE LIBRARY:											
name of Beaver Dam changed to											42
WILLOW RIVER:											
Polk county, dam across		112									
St. Croix county, dam across		147	208								
amending ch. 234, of laws of 1877, for dam across					154						
preservation of fish in							44	415			
WILLS:											1
executors of trustees under, when may incorporate								180			
execution of, out of state	2283	194									
costs in circuit and county courts on probate of, how paid				227							
of testator leaving widow, child or parent, not to devise or bequeath more than one-half of estate to charitable, benevolent, literary, scientific, or religious corporation	2039									r551	103

Subject Matter of Law.	Revised Statutes amended or repealed	General Laws—Years, Chapters and Amendments.									
	No. of section	79.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
WIND LAKE:											
in Racine county, relating to drainage of											193
WINGRA LAKE:											
Dane county, protection of fish in						89	228			302	
WINCHESTER:											
relating to road district in town of, Winnebago county				84							
WINDFALL CREEK:											
Chippewa county, dam across				331							
WINNEBAGO COUNTY—(See Circuit Court):											
appropriation to		253									
to restore criminal jurisdiction to county court of			58								
terms of county court of	2169			18							
appointment of court commissioners in (See Circuit Courts)	2133					107					
terms of circuit court in	2424						184				
register of probate for, powers and duties, salary								†202	†214	125	
extending jurisdiction of county court of; duties of judge								373			
salary of, increased								471			
relating to change of venue in county court of									20		
county judge of, may employ phonographic reporter, when										171	
price of public lands in, reduced									365		
may construct sewer across grounds of Northern Hospital for Insane in										230	
may establish insane asylum											178
WINNEBAGO LAKE:											
protection of fish in		189				297			412	398	
fish offal not to be thrown in											307
WINNECONNE:											
village charter of, repealed					208						

WINNECONNE LAKE:											
excepted from provisions of ch. 297, for protection and preservation of fish in						207					
protection of fish in									412	398	
WINONA:											
city of, to build a bridge across Mississippi river			274							97	
to maintain ferry across Mississippi river			311								
WINONA AND SOUTHWESTERN RAILROAD:											
may build bridge across Mississippi river from point in Buffalo county									96		
WIRES AND CABLES:											
on private buildings not to justify a prescription							57				
WISCONSIN ACADEMY OF SCIENCES, ARTS AND LETTERS:											
to provide apartments for, in the capitol							114				
WISCONSIN BAPTIST STATE CONVENTION:											
charter amended							253				
WISCONSIN BRIDGE COMPANY:											
charter of, amended		10							331		
WISCONSIN CENTRAL RAILROAD COMPANY:											
town of Jefferson authorized to issue new bonds in aid of								271			
WISCONSIN CRANBERRY GROWERS' ASSOCIATION:											
appropriation to											203
WISCONSIN DAIRYMEN'S ASSOCIATION:											
relating to report of	339[2]		128			320	435		526	249	
appropriation to							59	72	411	197	240
WISCONSIN EXHIBIT AT NEW ORLEANS:											
appropriation for defraying expenses of							13				
WISCONSIN INSANE HOSPITALS—(See State Hospital for Insane, Northern Hospital, County Asylums):											
appropriation for											152
WISCONSIN FEMALE COLLEGE OF FOX LAKE:											
name changed to Downer college									6		
WISCONSIN HUMANE SOCIETY:											
agents of, to have certain police powers			179							202	
agents of, may present application for commitment of dependent children to state public school										243	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws--Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
WISCONSIN INDUSTRIAL SCHOOL FOR BOYS—(See Industrial Schools; Appropriation):											
board of supervision may grant right of way through grounds of, at Waukesha								109			
authorized to lay out highways through grounds of								265			
WISCONSIN INDUSTRIAL SCHOOL FOR GIRLS—(See Industrial Schools):											
appropriation to											159
WISCONSIN INDUSTRIAL ASSOCIATION:											
appropriation to							208	542	75		
WISCONSIN LEGAL NEWS:											
Milwaukee, legal notices may be published in	4276	194									
WISCONSIN MUTUAL AID ALLIANCE:											
not a life insurance company within meaning of general laws										477	
WISCONSIN NATIONAL GUARD:											
laws in relation to revised and consolidated											203
governor to muster additional companies in									353		
authorizing purchase of grounds for camp, etc., for, at Camp Douglas; appropriation									124	334	
militia to be known as	ch. 84	208									
governor's staff employ clerks, etc	616						439			344	
companies other than cavalry to contain not less than thirty-six privates	621		185								
clothing fund of $5.00 per capita, when paid to companies	623		185		169						
of Milwaukee city and county may use armory and arsenal of light horse squadron of Milwaukee							210				
commanding officer custodian of company property							208				
may be ordered into camp by governor for military instruction	640						139			344	
surgeon general to furnish medicine chest, etc., to senior medical officers							439				
quartermaster general to furnish outfits for rifle practice, sec. 4							439				
clothing to be furnished for 50 men to each company, sec. 5							439				
companies to be reimbursed for cost of clothing furnished itself, sec. 5							439				

company of infantry to be located at Waupun to be mustered into service and enrolled as part of the ... 452
report of, how distributed ... 404
thirty companies to receive pay ... 636 ... 185
thirty-five companies to receive pay ... 635 ... 301
when companies retired from guard for laxity of discipline, etc ... 635 ... 185
when payments on allowance which have been withheld, may be paid ... 635 ... 139 ... 439
honorable discharge may be ordered by governor for good cause ... 638 ... 185
providing for retired list of, who eligible on ... 455
formation of battalions and regiments ... 640 ... 185 ... 162 ... 298, 439
staff officers ... 640 ... 162 ... 298, 439
rendezvous encampments; allowance for subsistence; quartermaster general to procure license to occupy grounds ... 640 ... 185 ... 162
transportation for tents and equipage for encampments to be furnished by state ... 640 ... 162 ... 439 ... 844
purchase of tents and equipage ... 162
officers, how released from liability for lost equipments, etc ... 162
preservation and copying of muster rolls, etc ... 645 ... 185
appropriation ... 185
inspection, annual, of Bayfield Rifles; may be held at any time during year ... 300 ... 299
armories to be exempt from taxation ... 162
appointment of aides-de-camp ... 162
soldiers of the, may re-enlist in the ... 621 ... 298

WISCONSIN ODD-FELLOWS MUTUAL LIFE INSURANCE COMPANY:
revising, consolidating and amending act creating ... 1 ... 363

WISCONSIN RAILROAD FARM MORTGAGE LAND COMPANY:
extending time for proving and filing claims against ... 297 ... 113
commissioner of, to close up business ... 235 ... 340

WISCONSIN RENDERING COMPANY:
may purchase and use tract of land in Ozaukee county for rendering purposes ... 220

WISCONSIN REPORTS:
purchase of extra number of copies ... 70
distribution of ... 357 ... 248
appropriation for purchase of 250 copies of Vol. III of Simmons' digest of; distribution ... 203
same of, 200 copies new, from Vol. 44 to 61 of, distribution of ... 428
same of Vol. II ... 262
appropropriation for purchase of 200 copies of Shepard's digest of; distribution ... 243
to provide for sale of certain ... 223

WISCONSIN RIFLE RANGE:
appropriation for maintenance of ... 334

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.								
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
WISCONSIN RIVER:											
repeal of chapter 298, laws 1878, authorizing Wood county to build free bridge across, at Grand Rapids									173		
Lincoln county, dam across			168								
penalty for throwing slabs, sawdust, etc., into			314								
Kilbourn City authorized to use for water works and improve navigation of										277	
town of Newport, Columbia county, may build dam across										284	
construction of dams in, and in tributaries thereto; dimensions of slides and chutes	1601, 1602			239							
assessment of damages to lands taken or overflowed by works of improvement of				320							
relating to r building of bridges in Columbia county, washed away by					81						
Lincoln county, dam, piers and booms in					247			12, 253			
bridge across, between Adams and Juneau counties						186					
Lincoln county to build bridge across						201					
bridge across, between Adams and Juneau counties						256					
Marathon county, piers and booms in, for bridge across						222					
bridge across, Iowa and Sauk counties							25				
dam across, head of Nine Acre island, sec. 8, town 22, range 6							158				
dam across, in sec. 18, town 22, range 6							278				
dam across, in sec. 36, town 22, amending ch. 152, P. and L., 1853									82		
dam across, town 21, R. 5, E.									53		
dam across, sec. 22, town 22, R. 5									82		
dam across, Wood county									236, 316		209
dam across, at Grand Rapids											210
dam across, Oneida county										177	
dam across, Portage county									283, 407, 428		
dam across, sec. 24, town 22, range 5								29			
dam across, near Sunken Pier											213

toll bridge across, town of Wyoming, Iowa county							279	2			
same in Wood county, Nash to construct									41		
same, Arpin, et al., to construct, when									7403	239	
same, towns of Grand Rapids and Centralia to build									2	159	
sale of certain swamp lands in authorized								472			
toll bridge across, from point in Sauk to point in Dane or Iowa counties								155			
ferry across, Polk county								80			
WISCONSIN RIVER IMPROVEMENT COMPANY:											
charter of, amended			292					18		196	
not to interfere with construction of dam authorized								12			
locating principal office of, at Wausau										196	
where annual meeting of, may be held										196	
WISCONSIN SCHOOL FOR BLIND:											
when steward of, may pay traveling expenses of indigent pupils										196	
appropriation to											159
WISCONSIN SCHOOL FOR DEAF:											
when steward of, may pay traveling expenses of indigent pupils										331	
appropriation to											159
WISCONSIN STATE HORTICULTURAL SOCIETY:											
appropriation to—(See Horticultural Society)											117
WISCONSIN VETERANS' HOME:											
appropriation to								518	264	393	243
duty of board of trustees of, in making report to governor										393	
state board of control to visit										393	
how drawn from treasury, sec. 3									264	393	
treasurer of, to execute bond to state									264	393	
city of Waupaca authorized to issue bonds to pay for site donated to									8		
WISCONSIN WOOL GROWERS' ASSOCIATION:											
appropriation to; publication of report				69							
WISCONSIN WOOL GROWERS' AND SHEEP BREEDERS' ASSOCIATION:											
appropriations to					118	190	69	283			
WISCONSIN YEARLY MEETING OF FREE WILL BAPTISTS:											
amending act creating										26	
WITNESSES—(See Evidence):											
by whom supœna issued	4053	194									
when superintendent of hospitals not exempt from supœna					151						
when police and other officers of Milwaukee not to receive fees as			56						137		
wife competent, against father for abandonment of, or children	4587c				200		429	318			

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883	1885.	1887.	1889.	1891.	1893.
WITNESSES—(See Evidence)—Continued:											
fees of, and interpreters	4067						232				
fees of, on inquest of dead							240				
when judge may order testimony of, reduced to writing									{260 496	{341 341	
WOLF RIVER:											
Shawano county, dam across		213									
Clark, Chippewa and Eau Claire counties, dams in			182								
bridge across; towns of Hortonia and Liberty, Outagamie county, to build			208								
bridge across; town of Main, Outagamie county, to build				172							
bridge across; town of Ellington, Outagamie county, to build				321							
Shawano county; St. Paul, Eastern Grand Trunk Railway company, to build a bridge across						129					
bridge across; town and city of Fremont, Waupaca county, to build						324		307			
relating to certain bridge across, at village of Fremont						331					
improvement of west branch of					251						
preservation of fish in									412	398	
excepted from provisions of chapter 297, for protection and preservation of fish						297					
dam across; Shawano county		213							235		
boom in, Shawano county									300		15
WOLVES—(See Wild Animals):											
WOMAN'S CHRISTIAN TEMPERANCE UNION:											
organization of; election of trustees, etc	2009							208			
WOMEN—(See Married Women; Widows; Abduction):											
may act as notaries public	178	194									
same as to court commissioners, when	2433a									119	
punishment for unlawful employment of, in factories	1728					135					
question of granting right of suffrage to, on school matters, to be submitted to vote at general election of 1886							211				
to prevent the abducting of unmarried, detention of, by force in house of ill-fame, or carnally knowing imbecile, or girl								214	490		

WONEWOC—(See State Roads):											
action of village board of, legalized			250								
WOOD COUNTY:											
certain loan to, from trust funds, increased		168									
state road in, from Grand Rapids		116									
liens on logs and timber in	3329 3330	167	62				409	r530	145		
not to apply; repealed									145		
amending ch. 208, laws of 1878, for state road in		226									
state road in				r248	248						
state road in, from Grand Rapids				r249			276				
action of board of supervisors of, legalized				109							
terms of circuit court in	2424			159			8			8–380	185
agricultural society, relating to stock in											95
LAKE WOOD:											
town of, Burnett county, part of, placed in Washburn county	5					172					
WOOD RIVER:											
Burnett county, dam across			25				402				
Burnett county, dam across				40							
WOODLAND COURT:											
legalizing plat of Milwaukee									322		
WOOL GROWERS' ASSOCIATION:											
appropriation to				69							
WOOL GROWERS' AND SHEEP BREEDERS' ASSOCIATION:											
appropriation to					118	120	69	283			
WORK SHOPS:											
to regulate number of persons that may be employed in, also to provide for proper guarding of vats, elevators, shafting, etc								549			
employment in, of children under 13 prohibited, except									r519	4	
employment in, of children under 14 prohibited, except										109	
WORLDS' EXPOSITION, NEW ORLEANS:											
appropriation to defray expenses of the commission for Wisconsin in making exhibit at							13				
duties of board of, audit of							13				
claims, how paid by							13				
excess of appropriation, how disposed of							13				
WORLDS' FAIR MANAGERS, STATE BOARD OF:											
governor to appoint; powers and duties of, compensation, appropriation										433	

Subject Matter of Law.	Revised Statutes amended or repealed.	General Laws—Years, Chapters and Amendments.									
	No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
WORLDS' FAIR MANAGERS, STATE BOARD OF—Continued:											
board may appoint executive commissioner and fix salary										433	
treasurer of, to execute bond to governor										433	
WRIT OF ASSISTANCE:											
purchase at sales of foreclosure of liens entitled to	3326		187								
WRIT OF ERROR:											
may issue, to review judgment or order of any court on habeas corpus									239		
WRIT OF HABEAS CORPUS:											
service of, when completed	3418			185							
inmates of certain institutions for care of insane and feeble-minded entitled to					171	320					
when order reversed, time person at liberty not to apply on term									239		
WRIT OF MANDAMUS:											
in proceedings by, against canvassers, supreme court may go behind returns	3452		231								
YAHR, F. T.:											
appropriation to											25
YAWKEY, CYRUS C., AND OTHERS:											
authorized to construct canal between Lake Katherine and Tomahawk lake in Oneida county										127	
YELLOW RIVER:											
Barron county, dam across		137			95						
Barron county, dam across		356									

Barron county, dam across						213					
Barron county, dam across								176			
Burnett and Washburn counties, dam across									49		
Chippewa county, dam across				266							
Taylor county, dam across		191		253							
Taylor county, dam across						326					
Wood county, dam across		90								112	
YELLOW RIVER IMPROVEMENT COMPANY: charter of, amended		105		44	156						
YORKTOWN CENTENNIAL CELEBRATION: appropriation for participation in				277							
ZINC: property of corporations for manufacture of, exempt from taxation for three years						202					

APPENDIX "A."

SECTIONS OF REVISED STATUTES AMENDED, ENACTED OR REPEALED SINCE REVISION OF 1878.

Section of R. S. amended, enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
3a	38									
5	103	247	7	84	47	441				
	114	19		165	74	486				
					172					
					194					
					308					
9				244						
10				242						
12					39					
12a	84									
14					39					
17					327					
18					327					
20			333				182			
20[1]			r333			310	182			
20[2]		234					182			
22							182 543			
23			333				182			
24		315				310				
25									446	
27			r107	259		416				
29			244							
36								507		
37								507		
38								507		
44							360	308		
45								507	413	
45a							350			
45b							350	21		
45c							350			
46						272				
58		315						1		
89									407	
95								1		
98			280							
99				158						
111a	194			314	346	94				1
112				314	346	94				1
113	1			158						
r115				158						
r116				158						
118				314						
120				191						
121	141	123		14						
128			300							
139		257								
134a	184									
137a			307							
157									213	

Section of R. S. amend'd, enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
159									273	
165a				57						
166[2]								284		
169		199								
170				57		246				
170a			300							
172	194	289	298		53					
172a										
173	194									
175			20							
186	194									
196						383				
197						383				
198						383				
† 199						383				
200						383				
201						353				
206a					332					
215			283							
225								488		
237a	175									
237b	220									
237c					215					
238						444			320	
239									320	
241									330	
250					329					
254					164					
2584					52					
†258[5]			167							
258a			167							
261							541			
262								398		
†265			167							
†266			167							
†267			167							
†268			167							
†269			167							
†270			167							
†271			167							
†272			167							
†273			167							
†274			167							
†275			167							
†276			167							
†277	158									
277a	158									
290									468	
290a				†177	159					
299				288				506		
320a					51					
331			101	302		348				
333	169							526		
334	169							526		
335a					320	303				
336a	16				320	435				
†336					320					
†337					320					
†338					320			526		
339		128 200			320					
339[1]		200			320			526		
339[2]		128			320					
340							426	515		

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
344									3	
351		118								
355[2]						67				
356	45									
357					248					
359						67				
371						123				
375		106	279			31				
376	194									
376[7]	194									
378	65							289		
383a			124							
385								273		
386								273		
389					30				198	
390					300				29	
401	98									
406	98									
408						7			462	
408a					214					
409	98									
412						335				
419a				280						
425				69	298		96			
430[1 4 5]						124				2
430a	118								81	5
433										
436						93				
437						124				
440					251			254	308	
443	117									
447 449						327	79			
450	237						79			
454									457	
458									452	
458a		209								
458b				303						
459							440			
461		[7]155	202							
462	107			72	298			155 370		
463				72	298			156		
464				72	298			154		
472			305			241				
489a	121			298						
490	245									
492	245									
493	245									
494	245		146						445	
495a				23						
495b					302					
496	245				273	420		466	339	
496a					325					
503					251					
509			195	45						
514					251				308	
521							297	293		
522							297			
523					63		297	292		
524							297			
525							297	293		
526							247			

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
529							297			
534							297			218
535							297			
537				72			297	293		
539							297			
541							297			
544							297			
545							297			
547							297	293		
548							297			
552							297			
554						124	277			
558							275			
561 562 563									221	
563a					291					
564						330			221	
567a			298	15	268					
567b					233					
568				151						
590			229							
590a		276								
592		266	202							
593		266	202		85				153	41
593a			202							
593b					85					
593c				131						
594		266	202		35					
602		196	298							
604							187			
604d							526			
604k			233							
604n			223	288					98	
609b	178	194	223							
610–649										222
611	208									
612	208									
616						439				
620	208									
621		185				298				
623	208	185		162						
631	208									
632	208									
633	208									
634	208									
634a		300								
635		185		139 301						
636	208									
638		185								
639	208									
640		185		162		298 439				
641	208									
644	208									
645		185								
647	208									
649a	208									
649b		185								
649c				162						
655				257			35			
655a			139							

Section of R. S. amend'd, enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
661*a*	194									
661*b*	177									
663					111					
664				199	318	431		403		
665						274				
669*a*		186								
670			207	106	97 316					
670[4]		110								
670[5]		321	269	115						
620[12]						155				
671	190		73	11 226	54 267		106	484	408	
674					54					
677								342		
679					188					
680			117							
693						87			461	
694					180	260				225
694*a*			53							
695						149				
698	205	87								
700									157	
710		215								
725									152	
731		174 175		176						
747										15
748							166			
752			188							
752*b*										94
756								18		
763			149							
764			278						374	
772							43			
776[3]							69			
783*a*					162					
796			232	259						
818*a*					147					
819*a*					202					
821				118						
824				163						
824*a*			19							
832				143						
834*a*					114					
840			269							
844			145							
846			45	284						
852*a*	194									
852*b*	194									
852*c*					155					
852*d*			270							
854		203	93				211			
857		203								
861			3							
875						374		16	269	
886		127	75							
892					45			104		
892*a*					178					
892*b*					250					
892[7]						374				
892[9]					216					
892[11]				246			104			

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
892[19]						185				
892[20]										
904									174	
905									464	
910										
911			243					295		
912a			108	213						
914		212								
915a			50							
925		55								
925a			245							
925b					338					
927a				325	165					
929a			240							
930			319							
930a	125									
931										178
938							400			
940a					167					
846					338					
960c			8							
960f	209									
961									84	
962								361		
965									84	
967	178									
976a								84		
998						161				
994						161				
995						161				
996						161				
997						58 161				
998 999 999a 1000 1001 1002 1003						161				
1004			236							
1005			236							
1005a			236							
1005b			236							
1007						64				
1010								236		
1014		229								
1021a		271								
1021b					319					
1024				287		264				
1026								342		
1038						217r	332			
1034a					296					
1038										151
1038a					293					
1038b					309					
1038[9]							465			
1038[11]								363	361	18
1038[14]								285		
1038[17]										110
1038[19]								319		
1038[19]						376			429	180
1040	214	165		258	354				473	179
1040a									473	

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
1042.							238			
1047.			268							
1050[8]			247							
r1053.									436	
r1054.									436	
1060.			74							
1061.							r283	138		
1066.								479		
1069.	124									
1070.							368			
1072a			259							
1077a		291		212				201		
1077b				212						
1079.					59			517		
1081.			269							
1084.								3		
1085.							104			
1087.	255									
1089.			269							
1090.			269							
1093.										218
1095.							140			
1110.				188						
1121.	202									
1127.							395			
1129.										218
1130.	95 150		213 214				108			
1131.	95		213							
1140a.					104					
1143.			268							
1146.									182	
1164.						341				
1164a.	255		132							
r1164b.	255									
1165.								415	182	218
1168.		220	80							
1168b		220								
1170.	95		213			306	186 446			
1170a.	150									
1172.									295	
1177.				48						
1181.	194									
1187.		309								
1188.		309								
1191.	194									
1192.									182	
1195.				254						
1196.			153							
1196a.			325							
1200.									182	
1208.	194									
r1208a.	295									
1210b.	255		128		283	219				
1210c.	255									
210d.				250	253					
1210f.							345			
1210h.		309								
1210j.					278					
r1216.				320						
1216a.				320						
1219.	138									

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
1222a					345				166	
1222b					353					
1223						108				
1224							210			
1227									69	
1236					148					
1237a						46				
1240					163					
1240[2]		60								
1244				215						
1245					26					
1249							179 454			
1252			251							
1258							502			
1267 1270 1271 1272								266		
1273					236					126
1274						380		266		
1275							212			
1276			328							
1280			187							
1291						289				127
1294						102				
1294a				253						
1299			278	168						
1302					85					
1304	194				336					
1319	126		315			187		568		
1320						345	285			132
1321						345	285			132
1325a				180						
1325b				155						
1331									154	
1334									154	
1336					31					
1339										85
1339a						454				
1346									49	
1347a					237	21				
1359						66				
1362a								299		
1363			118							
1365			205			138	230 390			
1371a	187									
1379a		283					495			
1384										208
390		107 158	119	201				278		
390a	107									
391		138 307								
392		188								
392a					202					
402										155
406						107				
410a				167						

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883	1885.	1887.	1889.	1891.	1893.
1410b		262								
1418	18									
1421a		269	286		158					
1430							242			
1436							131			
444										144
1437a			256	40						
1447				42		165		167		
1448									335	
1452				211						
1454							315			51
1455							216			
1455a			112							
1459a	151									
1463						437		234		250
1465	242				32		531			
1479					228					
1480		143					213			
1481										
1492				121						
1492a	35									
1496										75
1502			265							
1524							518			
1528									341	
1543							470			
1547a	188			291						
1547c					342					
1548				322		296				286
1548a						296	404			
1548b						296		247		
1550				322		296				
1550a						296				
1551				322						
1553				322						
1554			174	322		438	288			
1555				322		438				
1556		312	r204	51 322		439		447		
1557			174	322						
1558			174	322				478		
1560				322						
1561									456	
1562					156					
1565				322	284					
1570			100	218		263		510	448	
1571								510		
1572								510		
1575			100							
1576			100					510		
1582	194							457		
1583	194							510		
1585						291	334			
1586						291	334			
1586a							334			
1587						291	334			
1588						291	334			
1590					r160	291	334			
1600			252							
1600a			252							
1601			239							
1602			239							

Section of R. S. amended enacted or repealed.	General Laws--Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	18 87	1889.	1891.	1893.
r1623		57								
r1624		57								
r1625		57								
r1626	254									
r1627	254									
r1628	254									
1629	r106		150							
r1630	254									
1630a			150	80	116					
1658										
1659										
1660						181				
1661										
1662										
1665			121							55
1668										55
1670a	174									
1675	194									
1680										87 246
1688										61
1695a										276
1695					349					
1697						251	317			
1700	194[13]									
1701				70						
1702							548			
1702a				170						
1702b					240					
1702c							548			
1728					135					
1730			225	193		112				
1733			225	193		112 286				
1738								441		
1743						266				
1744a				214						
1744b					267					
1750a		193	189							
1751									414	
1753			98							
1765										59
1770a					229					
1771					220		180 352		274 403 440	
1772						241				
1772[2]			r143			256				
1772[3]	7									
1772[7]					241	353				
1775			133		70				284 288 403	
1775a					221					
1777				318						
1777a		279								
1780	211									193
1780a				206						
1785a					171					
1786									371	
1787									371	
1791					118					
1791a				196						
1791d					277					

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893
r1792			300							
1792a			300							
1794						193		459		
1797		235	274							
1797a					258					
1799							487			
1802									370	
1807							49	516		
1808							107	379		
1810			198							
1815			318							46
r1816		322						r438		220
1824a			27							
1828[9]					185					
1828a				286						
1831a					276					188
1833		260		268	268					
1836										167
1838a					274					
1849									306	
1850									306	
1855									306	
4858				266						
1862			219							
1863		221							397	
1886							213	269		
1887							r 213	269		
1888							213	269		
1892							213	269		
1896									299	
1897[3]							33			
1915[3]								235		
1926						308		242		147
1927						421		212	314	
1928		28								79
1929				146						
1931		134	48	187	189	421		204		
1932		28		146						
1932a							308			
1933			18	146						
1934				146				253		66
1935	251		42	146 240				476		
1937				146						
1938			48	205	168	421				
1940		211	201			421		38		
1941						421				
1941c							5			
1942a					44					
1946				166						
1946c		126		166						
1947						101	309 546			
1948							309 546			
949							309 516			
1950							309			
1951				204			309			135
1952							309			
1953							309			

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
1953a		105		227						
1953b	204		246	249	94	458	42 198 508 584	334		
1953c				281						
1954							309			
1955							309			
1956	194									
1966		281								
1967			300							
1967a					48					
1968a	171									
1968b		240	300							
1971							319		303	
1972	162									
1977		240								
1987								168 328		
1992					70			312		
1997	70 252					385				
2001	94									
2001a		284								
2001b					37			318		
2002					55	19	201 208			
2009							98			
2010				1		127				
2011				1						
5012				1						
2014							98			
2014a					294					
Ch. 91							392			
2023								523		
2023a		223								
2024	194									
2039							551		359	103
2081					290					
2172				265						
2187						109				
2306a					348					
2212							327			
2213								345		
2216		129								
2216a		9								
2219									293	
2220	194									
2225	194					365				
2256					100					
2261a								460		161
2262									474	
2264a				52						
2265						60	279			
2270					219					23
2271					301					
2272a				222						
2280									117	
2283	194									
2313						218	268			
2319a					81				34	
2343a										

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
2345			99							
2347								271	376	
2356			r297	230						
2376a								280		
2400						132				
2422a			140	180	101 169					
2423			87	34 55 140	47 173 288					
	32		5	8			88	49–51	2	
	43		35	55		3	224	66–111	12	2
	52		37	90	61	17	402	119 297	18	
	61	109	63	125	68	134	r468	120	5	
2424	181		159	140	87	135	488	317 350	8	
	206		238	157	288	169	511	391 503	6	2
				179					41 133 326	
2426						141		294	336	
2433			10 151		107	110	506	141	105	
2433a									119	
2434						369				
2437	89									
2438								128		
2439									115	
2449					42					
2452				310						47
2454a		318						496		
2457								280 496	341	
2464				41			443		85	131
2465	31									
2465a		58								
2466a			17							
2467	31						419	20		
r2468	31									
2469	31 294		18 276							
2475	31	219								
2478		66								
2482	31						471			
2483		262 188	152		17			176		
2484				150						
r2485				150						
2489		216								
2490		216								
2494				150						
2497				150						
2498		216								
2499	256									
2500	256									
2501	256								265	

Section of R S, amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
2507					103				228	
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2509					108					
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2525					270					40
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2533								140		
2535								140 294		
2536								140		
2545								140		
2573							215			
2576	194					142				69
2577	146									69
2586[3]			144			63				
2586[6] 2586[7]						63			310	
2610					41					
2612a					249					
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2614[3]								142		
2619[4]						111				303
2624						366				
2625							306 485			
r2625a					r314	41				
2626								167		
2628							306			
2637[9]							552		259	
2637[12]									252	
2681	194									
2682	194									
2683	194									
2684	194									
2728					6					
2731		233								
2731a					249					
2731[7]		256				39				
2736a					249	269				
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2747						343				
2748			157							
2753			86			286				
r2758					249					
2762						314				
2768			86							
2771						178		229		
2815	194									
2849			9							
2465										242
2894a				202						
2902a		93								
2918[6]			52							
2922		147								
2925			22							
2927		91								
2943r									258	
2969	194									
2969a					25					

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
2982[5]							536			
2982[6]	63			117			536			
2982[8]			56	317	141					
2982[11]						336	536			
2982[12]							536			
2982[13]							536			
2982[14]							536			
2982[15]							536			
2982[17]							536			
2982[19]							536			93
2983a					69					
2988				r317	141					
3080									408	
3049a					49					
3065									116	
3070										242
3074						252				
3078								277		
3087		305								
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3149			203							
3150			203							
3151			203							
3152			203							
3159	194									
3164								186	303	
3180				190						
3187						426				19
3189				307						
3232						366				
3314			328			349	{ 422 / 466	{ 275 / 399		256
3315						342	535	333	321	
3318			257	84						256
3321			328							256
3322			328							256
3324			328							
3326		187								
3329	r167	r62	r330	r319		r469	530	{ 145 / 413		
3330	r167	r62	r330	r319		469	530	413		
3331		192	330	319		{ 192 / 469	530	413		
3332								454		
3333			330	319		469	530			
3334a		222		319				413		
3335			330	319		469	530			
3337			141							
3340			330	319		469	530			
3342a				273						
3351[4]			76							
3358[2]				326						
3368		191								
3418			185							
3452		231								
3477						369				
3533									303	
3536[2]							267			
3569							196			
3571							197			
3594							372			
3608					211		235			

Section of R. S., amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
3612	194									
3616					197		197			
3626[4]				179						
3627										30
3669							31			
3702[2]							191			
3718							405			
3718a		253								
3721			313							73
3722			313							
3723							190			
3723a							228			
3723b							228			
3725		207								
3726					24					
3728										73
3729										73
3754							166			
3756			66							
3760			66							
3761			66							
3763							166			
3767									216	
3774		174								
3775									106	
3783a					223					
3807										30
3819							330	70		
3821a			60							
3839										171
3840								496		171
3841								502		
3873a			286							
3875		65								
3876									342	
3877									342	
3878		65								
3965							201			
3966										71
3968									156	
3969			136							
3970							355			
3976										84 287
3982									27	
3992								68		287
3995			192							
3998									342	
3999									342	
4021							45			62
4022							45			
4024										62
4031									248	
4041a			227							
4045							395			
4049	246									
4053	194									
4067						232				
4086			165							
4096				194		321		348		141
4151a	20									
4153		18								
4167				123						
4173a									286	

Section of R. S. amend'd, enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
4189*a*			226							
4189*b*			324							
4203					119					
4233							280			
4269				239				95		
4276	194									
4276*a*	77									
4286				318						
4288				313						
4300							166			
4304	194									
4353	r189	269	288							
4376			79							
4378								238		
4380							243			
4381								368		
4382							193	368		
4385				390						
4387				257				219		
4387*a*							236			
4380		265								
4394					20					
4395		267								
4397*a*				116						
4397*b*					379					
4398				189						
4413					19					
4415		67	170			278				43
4415*a*								397		
4445	179									
4445*a*, 4445*b*, 4445*c*								347		
4446		295							358	
4451		94								
4463										104
4472										
4480						174				
4490		230						250		
4494		280								
4504						228				
4509										109
4509*a*				296						
4539*a*				286						
4558			163							
4559						447				
4570			218	285						
4560*a*			46							
r4561		321	289	115						
4561*a*			289	115						
r4563	192									
4563*a*		287								
r4564		277	312		374					
r4565		r170		207, 328		351	374	443		
4565*a*			299				374			
3566							374			
4567									56	
4570*a*			134							
4570*b*			220							
4570*c*		314								
4575								406		
4575*a*						50				
4575*b*	183									

Section of R. S. amended enacted or repealed.	General Laws—Years, Chapters and Amendments.									
No. of Section.	1879.	1880.	1881.	1882.	1883.	1885.	1887.	1889.	1891.	1893.
4580				73						
4581a				282						
4587a		239								
4587b			119							
4587c			200			422				
4589							116	338		
4589a							92			
4598a		29								
4607g									431	
4608a	248									
4608b			40							
4608c			168							
4633			72			346				
4653								257		
4654			173							
4667		125								
4686a					218					
4686b					218					
4697					164					
4719								274		
4723								396		
4738								141		
4745									235	
4746									235	
4760		66								
4765		31								
4769						201				
4772						117				
4793								148		
4794						379				
4885a				206						
4884a	207									
4885a					12					
4886							137			
4887							137			
4888							137			
4889							137			
4870						339				
74882			147	110						
4928a		238								
4942				158				217		
4944										108
4964			298	15						
4968						206				
4970			242	175						
4971	194									
4978a	194									
44at044n									413	
1222a									166	
1953b									441	
2382									427	
2982a									427	

APPENDIX "B."

SESSION LAWS AMENDED OR REPEALED SINCE REVISION OF 1878.

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
1851.										
To repeal ch. 32, (bridge across Fox river, De Pere)	....	....	332	....	....	....	....	....	....	....
1852.										
To amend ch. 48, (Milwaukee Mechanic Mutual Ins. Co.)	....	....	....	....	245	....	....	....	....	....
1854.										
To amend sec. 3, ch. 296, (Galesville University)	....	....	....	112	....	....	....	....	....	....
1855.										
To amend ch. 171, (Janesville Manufacturing and Hydraulic Company)	....	....	....	....	....	....	298	....	....	....
1856.										
To amend ch. 392, Mil. & N. Plank Road Co.)	....	....	....	....	....	....	....	....	....	166
1861.										
To repeal ch. 175, (Railroads)	....	....	....	....	....	356	..	..	....	....
1863.										
To repeal sec. 2, ch. 23, (Highway Tax, Clayton)	....	....	84	....	....	....	....	..	....	....
To amend secs. 3 and 5, ch. 323, (Mutual Life Ins. Co. of Wisconsin)	....	....	....	....	..	....	328	.	....	....
1864.										
To amend ch. 409, (Bridge across Fox river, DePere)	....	157	....	....	....	....	....	....	....	....
To repeal ch. 409, (Bridge across Fox river, DePere)	....	....	332	....	....	....	....	....	....	....
To amend ch. 478, (Fort Howard, etc., Military Road)	....	..	....	....	....	....	....	....	....	31
To repeal ch. 437, (Addition to Janesville)	....	....	....	..	....	....	....	....	..	258
1866.										
To amend sec. 5, (Drainage Fund Manitowoc and Calumet counties)	....	114	....	..	....	....	....	....	....	....
To amend ch. 180, (Abstract Tax Sales, Shawano county)	.	....	....	....	235	....	....	....	....	....
To amend sec. 6 of ch. 474, (Janesville charter)	....	159	....	....	....	....	....	....	....	....
1867.										
To re-enact secs. 1, 2, of ch. 161, (Taxes)	194	....	....	....	....	....	....	....	....	....

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
1868.										
To amend sec. 3, ch. 105, (Sturgeon Bay and L. M. Ship Canal and Harbor Co.)	....	....	31	....	....	....	....	...	....	...
To amend ch. 198, (Drainage in Waukesha and Racine counties)	....	....	....	....	....	....	....	....	202	....
1869.										
To amend ch. 247, (Grand Rapids charter)	...	....	....	....	...	....	....	103	...	....
1870.										
To amend ch. 24, Superior Boom Co	....	317	....	...	....	....	....	....	....	....
To amend ch. 512, (Oshkosh and Mississippi River Railroad charter)	....	....	....	....	....	...	....	....	260	....
1871.										
To amend ch. 124, (Milwaukee County Orphans' Board)	....	...	..	....	...	....	....	....	272	...
1872.										
To repeal ch. 98, (Improvement of Capital Park)	139	....	....	....	....	....	....	...	....	....
To amend ch. 146, to cure defective organization	....	....	....	....	....	....	..	....	..	80
1873.										
To repeal ch. 19 (bridge Wolf river)	....	....	....	....	331	...	....	....	....	....
To amend sub-ch. 3, of ch. 59 (Prairie du Chien charter	....	....	166	...	....	....	...	....	...	....
To re enact secs. 1, 2, 3, 4, 5, ch. 123, (Assessments)	194	....	....	....	....	....	....	..	....	....
To amend ch. 148 (Boscobel charter)	111	37	....	....	....	....	....	....	....	....
To amend sec. 1, ch. 159 (dam across Little Wolf river)	....	....	....	....	....	...	226	....	....	....
To amend ch. 164 (Fort Howard charter)	....	....	....	59	....	....	....	....	....	....
To amend ch. 193 (State prison management)										
1874.										
To revise, codify and amend ch. 57 (Columbus charter)	...	....	..	....	181	....	....	..	....	....
To amend sec. 2, ch. 81 (Taylor Orphan Asylum)	....	....	..	9	...	....	....	....	....	....
To repeal secs. 8, 9, 10, ch. 123 (Land Grant to Chicago and Northern Pacific Air Line R'y	...	....	....	10	....	...	....	....	....	....
To amend ch. 127 (Menasha charter)	....	217	...	63	.	...	310	....	....	....
To amend sec. 5, ch. 183 (Oconto charter)	....	112	...	....	....	....	....	....	....	....
To repeal ch. 137 (Abstract tax sales)	..	...	....	....	161	....	....	....	....	....
To amend sec. 10, ch. 183 (Eau Claire Municipal Court)	....	16	....	....	....	....	....	....	....	...
To amend ch. 184 (Milwaukee charter) (See index, "Milwaukee," page 205)	227	245 268 278	65 181 206 274 294	308 324	307 308 310	196 378 405 460 470	23 54 55 359 382 463 489	30 117 182	78 74 75 141 180 181 188 189 190 312 316 375 386 419 437	
To amend ch. 250 (Improvement West Branch Wolf river	....	....	....	251	....	....	....	....	....	....
To amend ch. 272, (Shawano charter)	....	....	....	....	323	....	....	....	....	...

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 391, (Grand Rapids charter)	..	...	....	...	....	..	....	...	388	...
To amend ch. 327, (Swamp Land, Manitowoc and Calumet counties	78	...	....	....	...	....	....	...	..	...
1875.										
To amend ch. 48, (Booms St. Croix river and lake)	....	226	..	....	....	....	..	....	....	...
To repeal ch 76, (Trout)	..	321	....	...	..	....	....	....	..	...
To repeal ch. 84 (Boscobel charter)	...	38	..	...	....	....	....	..	..	..
To repeal ch. 134, (Steam Road Wagons)	193	.	..	...	....	....	...	..	....	...
To amend sec. 33, ch. 141, (Street Sprinkling, Milwaukee)	....	...	254	....	....	...	420	....	....	..
To amend sec. 8, ch. 178, (Taylor county)	639	...	.	....	....	...	...	....	....	....
To amend ch. 182, (Preservation of fish, Madison Lakes)	89	..	....	....	....	..	...	....	....	..
To repeal ch. 236, (County Board, St. Croix county)	98	...	....	...	....	....	...	....	....	..
To amend ch. 238, (Waupaca city charter)	81	210	212	...	...	97	...	...	..	...
To amend ch. 263, (Green Bay charter)	.	285	...	...	..	.	....	....	..	...
To repeal ch. 262, (Part of Green Bay charter)	...	285	...	...	....	....	....	....	....	...
To repeal ch. 242, (Green Bay charter)	..	..	....	169	...	...	..	....	..	
1876.										
To repeal (in part) ch 10, (Clerk County Court Winnebago county)	....	..	...	....	....	....	202	....	....	....
To amend ch. 25, (Municipal Court Chippewa county	....	....	....	.	....	381	510	....	.	....
To amend ch. 47, (Appleton charter)	148	...	114 186	323	...	441	....	....	....	....
To repeal ch. 92, (Game Law)	...	...	....	..	....	392	....	....	....	....
To repeal ch. 90, (County Printing, Waupaca county)	66	...	...	....	....	....	....	....	....	....
To repeal sec. 2, ch. 111, (Elections, Grand Rapids)	..	..	..	....	7	....	....	....	....	....
To amend ch. 122, (Portage City charter)	119	167 236	198	....	...	..	....	....	.	....
To repeal ch. 122, (Portage City charter)	....	...	....	132	...	....	....	..	....	....
To amend ch. 135, (La Crosse charter)	80	..	179 183	173		...	....	....	...	...
To amend ch. 144, (Loan to Wood county)	168	....	...	...	....	...	..	..	....	..
To repeal ch. 146, (Municipal Court, Wausau)	115	..	....	....	....	....	....	....	....	....
To amend sec. ch. 146, (Taylor Orphan Asylum)	....	....	62	...	....	....	....	....	....	....
To repeal secs. 12, 15, ch. 179, (Green Bay)	....	285	....	....	....	....	..	....	....	..
To repeal ch. 182, (Steam Road Wagons)	193	...	....	....	....	....	..	....	....	..
To amend sec. 4, ch. 228, (Sturgeon Bay & Lake Michigan Ship Canal)	218	...	....	....	....	....	....	....	....	....
To amend ch. 231, (Eau Claire)	....	181 263	87	...	149	6 329	....	....	....	....
To amend ch. 238, (Waupaca charter)	..	....	212	....	....	....	....	....	....	....
To amend ch. 253, (Care of Poor, Milwaukee county)	....	....	....	..	....	267	....	..	....	....
To repeal ch. 297, (Dam, Burnett county)	....	....	89	....	....	....	....	..	....	....
To amend ch. 298, (Wisconsin River Improvement Co.)	....	292	....	....	....	....	....	....	....	....
To amend ch. 313, (Racine charter)	59	180	123	133	77 216	226	122	..	40	..
To repeal ch. 367, (Fish, Baraboo river)	...	224	....	..	....	....	....	....	....	....
1877.										
To amend ch. 89, (Milwaukee Chamber of Commerce)	102	...	....	....	....	....	....	....	....	....
To repeal secs. 3, 7, ch. 89, (Milwaukee Chamber of Commerce)	102	....	....	....	....	....	....	....	....	....
To amend above	....	150	....	....	....	....	....	56	....	....
To amend ch. 74, (Union School District, Monroe)	....	....	....	....	238	....	..	....	....	....
To amend ch. 89, (Chilton charter)	..	178	....	....	..	427	.	93	....	....
To repeal ch. 6, of (Chilton charter)	....	....	....	....	66	....	....	....	....	....
To amend ch. 96, (Care of Poor of Milwaukee county)	....	....	....	....	....	267	....	....	....	....
To repeal ch. 97, (Preservation of Game)	....	....	....	....	....	392	....	....	....	....

GENERAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To repeal ch. 103, (License Fund, Chippewa Falls)	105									
To amend ch. 123, (Oshkosh charter)		38	15 89							
To repeal sec. 2, ch. 126, (Green Bay charter)		285								
To repeal secs. 14 to 23, ch. 360, Fond du Lac charter)	36									
To amend ch. 162, (New London charter)		100	293	87		221			45	
To repeal ch. 223, (Railroad Debt, Watertown)			169							
To amend ch. 227, (Milwaukee county under sheriff)									301	
To amend ch. 234, (Dam, Willow river)				154						
To amend ch 260, (Stevens Point charter)		50	191		269	359	432		88	
To amend ch. 266, (Phonographic Reporter, Milwaukee and Kenosha counties)					1					
To repeal ch. 293, (Steam Road Wagons)	192									
To amend ch. 103, (Plymouth charter)									11	
1878.										
To amend ch. 7, (Public Library, Milwaukee)	152						521			
To amend sec. 5, ch. 20, (Clerk Eau Claire county court)				124						
To amend sec. 5, ch. 20, (Fees of clerk county court, Eau Claire county)							199			
To amend ch. 36, (Health Department, Milwaukee city)				217						
To repeal ch. 37, (Firemen's Relief Fund, Milwaukee city)						176				
To amend ch. 40, (Dredging Milwaukee river)					102					
To amend ch. 43, (Geological Report)		301								
To amend ch. 93, (Mutual Loan and Building Corporations					127					
To amend ch. 104, (State Road, Kewaunee county)			184							
To amend ch. 107, (Municipal Court, Chippewa county						381	510			
To amend ch. 112, (Beaver Dam charter)			175	241						
To amend ch. 154, (Neenah charter)	88									
To amend ch. 155, (Loan to Burnett county	197									
To amend ch. 158, (Two Rivers charter)					311					
To repeal sec. 12, ch. 6, of ch. 158, (Two Rivers charter)					311					
To amend ch. 159, (Chippewa Falls charter)	19		176	219	356					
To repeal sec. 10, sub ch. 4, of ch. 159, (Chippewa Falls charter)	19									
To repeal sec. 1, ch. 161, (Green Bay charter)		285								
To amend ch. 171, (Union School Law, Watertown)	122		36							
To amend subd. 19, ch. 191, (Courts)						142				
To amend ch. 193, (Waupun charter)	180			91					46	
To repeal ch. 200, (Protection of game, St. Croix county						40				
To amend ch. 203, (State Road, Wood and Marathon counties	226									
To amend secs. 1 and 3, ch. 206, (Apple River Log Driving Co				134						
To amend ch. 207, (Namakagon and Totogatic Dam Co.)						75				
To repeal ch. 238, (Town Hall, town of Amherst)	60									
To amend ch 247, (Fort Atkinson charter)				97		128 373			63	
To repeal secs. 6, 7 and 8, ch. 259, (State road, Shawano and Marathon counties	104	24								
To amend ch. 263, (Jefferson charter	51 163		29						50	
To amend ch. 270, (Abstracts, Outagamie county Register of Deeds)			200							
To amend title to ch. 274, (Norwegian Lutheran Synod)						89	34			

GENERAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend sec. 1, ch. 279, (Milwaukee and Brookfield Turnpike Co	....	8	....	....	....	....	....	....	....	....
To repeal ch. 381, (Improvement Burnett River)	....	....	..	260	....	....	....	....	....	..
To repeal ch. 191, (Dam across Sucker Branch)	....	....	..	86	....	..	....	....	....	..
To repeal ch. 198, (Free Bridge across Wisconsin river, Grand Rapids	....	....	....	....	....	....	....	173	....	....
To amend sec. 1, ch. 307, (Authorizing Supervisors of Milwaukee county to borrow money	....	....	....	....	....	270	..	....	....	....
To amend sec. 1, ch. 315 (Dam on Court des Oreilles River)	27	....	..	..	..	..	....	....	....	....
To amend ch. 342, (Liens for labor, etc., done for city of Milwaukee)	....	..	..	261	..	....	....	..	....	....
To amend ch. 341, (Printing, State Historical Society	....	..	....	....	....	....	436	515	....	....
1879.										
To amend sec. 1, ch. 9, (Terms of Court, 7th Circuit)	....	....	....	.	68	3	..	..	..	....
To repeal ch. 16, (Report of Board of Health)	....	....	..	....	....	107	....	....	..	....
To amend ch. 22, (Exemption N. Wis. R'y Lands)	299	....	....	....	....	..	....	....	261	....
To repeal ch. 21, (Supplying private party with trout)	..	....	....	160	....	....	....	....	..	....
To amend sec. 1, ch 29, (Authorizing shellswick to build a pier)	....	131	..	....	....	....	....	....	....	....
To amend ch. 31, (Change of place of trial)	....	....	....	....	....	....	419	..	....	....
To amend ch. 52, sec. 1, (Terms of Court, 8th circuit)	....	....	....	....	....	135	....	....	326	....
To amend ch. 59, (Racine charter)	....	....	....	133	....	....	....	....	....	....
To amend ch. 62, (Property Exempt from Execution)	....	....	....	117	....	....	....	....	....	....
To amend ch. 67, (Election of Justices of Peace, Watertown	140	284	....	....	....	....	....	1	....	..
To amend ch. 79, (Distribution of Geological Report)	....	....	....	315	....	..	....	....	....	..
To amend ch. 103, sec. 14, (Tax Deeds, Price county)	....	218	....	....	1	....	....	....	..	....
To repeal ch. 104, (State Road, Shawano and Marathon counties	....	24	....	....	....	....	....	....	....	....
To amend ch 108, secs. 1 and 2, (State Road, Kewaunee county)	....	111	....	..	....	....	....	....	....	....
To repeal ch. 114, secs. 13 and 14, (part of boundary line between Langlade and Shawano counties)	..	247	....	....	..	....	....	....	..	....
To amend ch 125, (Municipal Court, Marathon county)	....	....	....	79	....	....	....	....	....	....
To amend ch. 130, (Ahnapee charter)	....	....	....	....	....	261	545	....	....	..
To amend ch. 121, (Attendance School Children)	....	....	....	298	....	....	73	....	....	....
To repeal sec. 5, ch. 121	....	....	....	....	....	....	73	....	....	....
To amend ch. 127, (Dam on Cawley Creek)	....	....	....	....	....	....	....	179	....	....
To amend ch. 136, (Dam Red Cedar River)	..	....	....	78	..	....	..	....	....	..
To amend ch. 137, (Dam Yellow River)	....	....	....	95	....	..	....	....	....	....
To amend ch. 141, (Distribution Blue Book)	....	143	....	....	....	....	....	....	....	....
To repeal ch 143, (Noxious Weeds)	....	....	....	....	....	233	313	....	....	....
To amend ch 147, (Dam Willow river)	....	208	....	....	....	....	....	....	....	....
To amend ch. 151, sec. 4, (State Horticultural Society)	....	....	....	....	....	.	14	....	....	....
To amend ch. 163, (Jefferson charter)	....	....	28	....	..	....	....	....	....	....
To amend ch 166, (Yellow River Improvement Co.)	....	..	44	156	....	....	....	....	....	....
To amend ch. 167, (Lien on Logs and Timber)	....	62	330	..	....	..	....	....	....	....
To repeal ch. 167, (Lien on Logs and Timber)	....	....	....	319	....	....	....	....	..	....
To amend ch. 176, (Board of Immigration)	....	194	223	....	....	....	....	..	....	....
To repeal ch. 176, (Board of Immigration)	....	....	....	....	....	....	21	....	....	....
To amend ch. 179, (Portage city charter)	..	167	....	....	....	....	....	..	....	....
To amend secs. 1 and 2, ch. 182, (Fisheries in Lower Fox)	....	....	....	....	....	417	....	....	....	....
To amend ch. 188, secs. 3, 8 and 11, (Vagabondage, Suppression of)	....	....	....	219	....	....	470	..	....	....
To amend ch. 190, (Division of Towns)	....	....	73	226	....	....	....	..	....	....

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 191, (Dam on Yellow river)	...	...	253	...	.	....	....	....	....	....
To repeal ch. 192, (Game Law), secs. 5 and 6	....	287	....	...	...	....	...	...	...	....
To amend ch. 200, (Municipal Court, Milwaukee county)	....	...	...	...	...	....	378	...	338	....
To amend ch. 204, (Charitable, Secret and Benevolent Orders)	....	...	....	...	...	{	42 198 509 534	{	441 477	....
To repeal ch. 205, (Eligibility of County Treasurer)	....	87	..	....	..	....	....	...	....	...
To amend ch. 207, (Convicts' Civil Rights)	..	...	....	...	...	....	....	...	236	...
Repealing ch. 208, (changing name of militia)	...	...	....	...	....	....	....	...	...	292
To repeal ch. 231, (Authorizing Chippewa Falls to issue bonds)	....	...	156	...	....	....	...	...	...	....
To repeal ch. 233, (Registers of Electors, city of Milwaukee)	..	...	95	...	..	....	.	....	...	...
To amend ch. 239, (Oconomowoc charter)	....	{	199 231	...	....	257	...	....	...	...
To amend ch. 240, (Fond du Lac charter)	{	12 227	148	31	...	...	..	...	...	....
To repeal ch. 240, (Fond du Lac charter)	...	....	....	..	152	..	.	...	...	.. .
To amend ch. 241, (Seymour charter)	....	....	....	62	99	....	57	..	....	...
To amend ch. 244, (Assessment of Taxes)	....	...	....	..	....	..	..	...	473	....
To amend ch. 245, (Free High Schools)	....	..	146	....	273	420	....	466	445	.. .
To amend ch. 351, (Insurance Corporations)	...	....	42	...	..	...	....	...	....	....
To amend ch. 256, (Milwaukee county Municipal court)	....	...	..	....	...	....	....	....	294	....
1880.										
To repeal ch. 12, (Fond du Lac charter)	...	.	....	...	152	....	..	....	..	....
To amend ch. 48, (Municipal court, Barron county)	...	...			....	....	....	..	....	....
To repeal ch. 62, (Liens on Logs and Timber)	....	....	330	319	....	.	.	....	....	89
To amend ch. 67, (Larceny)	....	...	....	...	...	....	278	.	..	....
To amend ch. 79, (Kewaunee Harbor Commission)	...	....	..	23	..	....	...	...	...	....
To amend ch. 83, (Platteville charter)	..	....	94	....	....	....	...	....	....	....
To amend secs. 1, 2, 3, 6 and 7, ch. 95, (Outagamie county to borrow money)	...	..	297	...	...	....	.	...	...	...
To repeal ch. 100, (New London)	....	...	...	87	.....	..	.	....	..	....
To amend ch 105, (Accident Ins. Co. to do business in this state)	....	....	...	227	..	..	....	...	...	....
To repeal ch. 114, (Killing deer in Ashland, Bayfield and Douglas counties)	....	....	....	....	....	....	....	367	..	....
To amend ch. 123, (Blue Book)	....	..	....	14	....	..	.	....	....	....
To amend ch. 127, (Justice of the Peace)	...	...	75	....	...	..	..	....	....	..
To amend ch. 133, (Evansville Seminary)	.	....	.	....	...	122	....	....	....	....
To repeal sec. 4, ch. 133, (Evansville Seminary)	....	....	1	....	....	....	.	72	....	.. .
To amend sec. 2, ch. 144, (Dam, Elk River)	....	....	142	....	....	....	..	....	....	.. .
To amend subd. 2, sec. 7, ch. 150, (Bounty on Wild Animals)	....	....	....	80	..	..	....	....	..	....
To amend sec. 1, ch. 152, (C. M. & St. P. Ry.)	....	....	49	....	....	....	....	....	.	....
To repeal ch. 155, (Teachers)	....	....	272	.	....	....	....	.	..	....
To repeal ch. 162, (Authorizing Horses, Cattle, etc., to run at large in Polk county)	....	..	..	44	....	....	....	....	....	....
To amend ch. 165, (Assessment of Taxes)	..	....	....	....	....	....	....	....	....	....
To repeal ch. 179, (Exportation of Game)	...	...	....	....	207	..	....	...	473	....
To amend ch. 180, (Racine)	....	....	...	133	....	....	....	..	....	....
To amend sec. 1, ch. 182, (Register of Probate in Milwaukee county	....	....	...	....	17	..	558	....	..	....
To amend sec. 2, ch. 184, (Dam, Butternut Creek)	....	....	...	181	....	..	....	....	..	....
To amend sec. 1, ch. 185, (Wis. Nat'l Guard)	....	...	....	162	....	....	....	....	..	....
To repeal ch. 190, (Ferry across Mississippi, De Soto)	..	....	..	291	....	122	....	....	..	....
To amend ch. 192, (Liens on Logs)	....	....	....	....	...	....	....	....	....	...
To amend ch. 193, (Service of Process, Transportation Co's)	....	....	169	....	..	....	....	....	....	...
To amend ch. 202, (Incorporation of Villages)	..	....	....	....	....	....	211	....	....	....
To amend sec 211, (Town Insurance Co's)	..	....	260	....	....	....	....	....	..	....
To amend ch. 214, (Dam, Poplar river)	....	....	....	....	132	....	....	..	....	....

GENERAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 220, (Disposal of Redemption money by county clerks)	....	..	80	....	....	....	....	..	....	....
To amend ch. 221, (Street railway through towns)	....	..	..	....	....	..	....	....	387	....
To amend, restore and re-enact ch 222, (Liens on Logs)	....	....	....	319	....	....	..	..	....	....
To amend sec 4, ch. 223 (Liability of stock holders on transfer Bank Stock)	....	....	....	....	..	....	....	451	....	....
To amend ch. 277, (Fond du Lac)	..	....	..	....	152	....	123	....	....	200
To amend sec. 6, ch. 240, (Commissioner of Ins., Duties of)	....	....	300	....	....	....	....	....	....	....
To amend ch. 240, (Unlawful Insurance)	....	..	....	....	....	....	....	....	....	200
To amend ch. 248, (Fishways)	....	....	296	147	..	....	....	....	....	..
To amend ch. 261, (Swamp Lands, Marathon, Clark, Chippewa and Shawano counties	....	....	..	135	..	62	..	....	....	..
To amend sec. 1, ch. 266, (Committment of Insane)	....	....	202	....	35	....	....	....	....	....
To repeal ch. 269, (Illuminating Oils)	....	..	288	..	..	....	....	....	....	....
To amend ch. 274, (Winona Bridge)	....	..	..	....	....	....	....	....	97	....
To amend ch. 284, (Congregational Churches)	....	....	....	..	....	....	....	....	....	....
To repeal ch. 286, (Ripon charter)	..	....	....	99	....	....	....	....	....	..
To amend chapter 291, (Equalization of Assessments)	....	1	....	212	....	....	....	201	....	....
To amend ch. 292, (Wis. River Improvement Co.)	....	....	....	....	..	....	13	....	....	....
Repealing ch. 300, (Allowances to Wis. Nat'l Guard)	....	....	....	....	....	....	....	..	....	....
To amend ch. 303, (Dams on Black River)	..	....	....	....	9	....	....	..	....	....
To amend ch. 317, Superior Boom Co.)	....	..	295	....	....	....	....	....	....	....
To amend ch. 321, (Protection of Brook Trout)	....	....	289	....	....	....	....	....	....	..
To amend ch. 322, (Madison charter)	..	....	230	26	....	195	269	244	....	....
To amend ch. 322, (Madison charter)	....	....	..	....	....	....	....	..	236	....
To amend ch 323, (Wausau charter)	....	....	71	26	....	....	....	....	....	....
1881.										
To amend ch. 5, (Terms of court, Lincoln county)	....	..	....	157	....	....	....	....	....	....
To amend ch. 13, (Town Insurance Co's)	....	....	....	146	....	....	....	....	....	....
To amend ch. 15, (Oshkosh charter)	....	..	....	98	....	....	....	....	....	....
To amend ch. 18, (Terms of County Courts)	....	..	276	....	....	....	....	....	....	....
To amend sec 1, ch. 19, (Police Regulations in unincorporated Villages)	....	....	....	....	....	433	..	....	....	....
To amend ch. 37, (Terms of Court, Waukesha Co.)	....	....	....	55	....	....	....	....	....	....
To repeal sec. 5, ch. 37, (Terms of court, 13th Judicial Circuit)	....	....	....	140	....	....	....	....	....	....
To repeal secs. 1 and 3, ch. 40, (Spurious Butter)	....	....	....	....	....	361	....	....	....	....
To amend ch. 42, Town Insurance Co's)	....	....	..	146 240	....	....	....	....	....	....
To amend ch. 48, (Town Insurance Co's)	....	....	....	187	....	421	217	....	..	....
To amend ch. 58, (Dam, Kewaunee River)	....	....	....	....	140	....	....	....	....	....
To repeal sec. 5, ch. 65, (Milwaukee Public Schools)	....	....	....	....	....	....	421	....	....	....
To amend ch. 72, (Costs in Criminal Cases)	....	....	....	....	....	346	....	....	....	....
To re enact ch. 73, (Division of Towns)	....	....	....	....	287	....	....	..	....	....
To amend ch. 92, (Incorporation of Villages)	....	....	....	....	....	....	211	....	....	....
To amend ch. 97, (Wausau Boom Company)	....	....	....	....	204	....	118	....	....	....
To amend ch. 98, (School District Ripon)	....	....	..	....	..	125	....	....	....	....
To amend ch. 100, (Exempting resident dealers in Agr'l Machinery from License to sell)	....	....	218	....	263	..	....	....	....	....
To repeal ch. 105, (Oconto assessment, etc.)	....	....	....	....	....	..	363	....	....	....
To amend ch. 106, (Bridge tax, Fredonia)	..	....	....	122	....	....	..	..	....	....
To repeal ch. 107, (Elections)	....	....	....	259	....	....	..	....	....	....
To amend ch. 108, (Highway taxes)	....	....	....	213	....	....	..	....	....	....
To amend ch. 119, (Fences)	....	....	..	201	..	..	....	..	..	....
To amend ch 124, (Reports of Washburn Observatory)	....	....	....	....	....	....	....	174	....	....

GENERAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 127, (Bridge, Kewaunee river)	....	....	..	232	....	...	...	....	...	...
To amend sec. 1, ch. 130, (Milwaukee House of Correction)	..	...	...	220	..	...	...	....	...	....
To amend ch. 133, (Corporations)	....	....	...	...	..	....	...	234 283	..	..
To amend ch. 140, (Circuit courts, judgments in vacation)	....	....	.	180	169	...	...	....	..	
To repeal ch. 143, (Corporations)	..	....	..	...	....	256	....	..	....	..
To repeal ch. 147, (Inquests of the dead)	....	....	....	110	....	....	....	....	....	....
To repeal ch. 148, (Fond du Lac)	....	....	....	...	152	..	....	....	....	..
To amend sec. 10, ch. 151 (Court Commissioners)	....	..	....	....	..	....	..	121	...	....
To amend secs. 3 and 4, ch. 161 (Dam across Wedges creek)	....	....	....	89	..	....	....	....	....	....
To amend ch. 167 (Trust funds)	....	....	....	..	..	....	....	...	143	176
To repeal ch. 169 (Authorizing Watertown to issue bonds)	..	....	....	....	313	....	....	....	....	....
To amend ch. 182 (Ahnapee charter)	...	....	....	...	247	...	261	....	....	..
To amend ch. 184 (State road from Ahnapee)	....	....	....	..	..	....	550	..	..	....
To amend ch. 191 (Stevens Point charter)	....	..	....	....	269	....	432	....	..	....
To amend ch. 194 (Chippewa Falls to issue bonds)	....	....	..	....	199	....	....	..	....	....
To amend ch. 125 (Webster's dictionary)	....	....	....	45	....	..	....	....	....	....
To amend ch. 197 (Municipal court, Rock county)	....	....	....	....	....	..	237	....	315	....
To amend sec. 2, ch. 202 (Commitment of Insane)	....	....	....	....	....	..	....	228	..	....
To repeal ch. 204 (Sale of intoxicating drinks, treating)	...	....	....	51	....	..	....	....	....	....
To amend ch. 207 (Powers of county boards)	....	....	....	{ }	97 316	...		....	..	....
To amend ch. 211 (To encourage manufacture of syrup and sugar)	....	....	....	233	....	....	....	....	..	....
To amend ch. 231 (Oconomowoc)	....	....	....	141	....	....	....	....	..	....
To amend sec. 1, ch. 233 (Chronic insane)	....	....	....	....	....	.	....	105	....	252
To amend sec. 7, ch. 233 (Chronic insane)	....	....	....	283	....	....	....	....	....	....
To amend sec. 12, ch. 233 (Chronic insane)	....	..	....	....	....	....	369	76	....	....
To extend provisions of ch. 235 (7th Ward Park, Milwaukee)	....	....	....	....	210	....	....	....	....	....
To amend ch. 246 (Secret, charitable and benevolent orders)	....	....	....	.	....	{	42 198 509 534	.... {	445 477	....
To repeal ch. 248 (State road, Wood and Portage counties)	....	....	...	248	....	....	....	....	....	....
To repeal ch 249 (State road, Wood and Portage counties)	..	....	....	....	....	276	....	....	.	....
To amend ch. 255 (Dams in Chippewa river)	..	....	....	..	96	....	....	....	....	....
To amend sec. 3, ch. 256 (Medical practitioners)	....	....	....	40	....	....	....	....	..	....
To repeal sec. 4, ch. 256 (Medical practitioners)	..	...	...	40	....	....	....	....	....	....
To amend ch. 257 (Hudson charter)	....	.	....	274	....	....	....	....	....	....
To amend ch. 287 (Mechanics' liens)	....	....	...	84	....	....	....	....	....	....
To amend ch. 288 (Illuminating oils)	..	....	....	....	158	....	....	440	....	....
To amend ch. 289 (Brook trout)	....	....	....	115	....	....	....	....	....	....
To amend sec 6, ch. 292 (Wisconsin River Improvement Co.)	....	....	....	..	..	....	14	....	....	....
To repeal secs. 1, 2 and 3, ch. 293 (New London)	..	....	...	87	....	....	....	....	.	....
To repeal ch. 296 (Fishways)	....	....	....	147	....	....	....	....	....	....
To repeal ch. 297 (Insanity ground for divorce)	..	....	...	230	....	....	....	....	....	...
Repealing ch. 299 (Relating to Wisconsin National Guard)	...	.	....	....	....	....	....	..	....	292
To amend sec. 19, ch. 298 (Charitable, penal and reformatory institutions, supervision of)	....	....	....	15	368	....	....	....	....	....
To amend ch. 298 (State boards of supervision)	....	.	....	....	....	....	....	....	221	...
To repeal ch. 306 (Fishways in dams, town of Lodi)	....	....	...	47	....	..	....	....	....	....
To amend sec. 3, ch. 314 (Loan to Lincoln county)	....	....	....	....	260	331	....	....	....	....

GENERAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 315 (Erecting and repairing bridges)	...	...	...	...	..	187	..	..	..	...
To amend sec. 9, ch. 316 (Fishways in Big Green Lake)	...	...	...	225	....	....	..	..	....	.....
To amend sec. 1, ch. 319 (Recording of lands taken for streets)	...	....	...	...	....	237	..	..	....	..
To repeal sec 2, ch. 319 (Recording of lands taken for streets)	...	....	...	...	...	237	...	..	....	..
To amend ch. 330 (Lien on logs)	...	....	..	319	....	192	..	..	....	...
To amend sec. 2, ch 330 (Lien on Logs)	..	....	....	..	....	469	..	..	....	..
To repeal ch. 330 (Lien on logs)	.	....	...	...	..	310	....	..	..	...
To repeal sec. 1, ch. 333 (Registry of electors, city of La Cross)	...	..	.	...	..					
1882.										
To amend sec. 1, ch 3 (Terms court 10th circuit)	...	...	...	..	87	..	....	....		
To amend ch. 18 (Grant of land to C. & N. W R'y for depot at Northern Hospital)	...	..	....	.	....	68	....	....	....	..
To amend ch. 21 (Baraboo charter)	...	...	..	54	53	..	.	13 86	60	..
To amend ch. 22 (Free high schools)	...	....	..	..	303	....	....	....	....	...
To repeal ch. 22 (Free high schools)	...	..	....	....	....	420	....	....	....	....
To repeal ch. 31 (Fond du Lac county)	...	..	....	....	152	....	....	....	....	....
To amend ch. 32 (Register in probate, Dane county)	..	..	....	..	....	....	393	....	....	....
To amend ch. 36 (Madison charter)	...	....	....	....	....	....	264	..	366	....
To amend sec. 2, ch 36 Madison charter)	...	....	....	....	214	....	....	..	....	...
To amend ch. 41 (County courts)	..	....	....	....	....	....	443	....	65	...
To repeal sec. 5, ch. 54 (Baraboo charter)	...	..	....	....	..	.	....	13	....	...
To amend ch. 56 (Oconto charter)	...	....	....	....	....	....	365	....	208	...
To amend sec 1, ch. 89 (Preservation of fish, Dane county)	..	....	....	..	....	223	....	....	....	...
To amend ch. 102 (Menomonie charter)	..	....	....	....	84	....	129	..	..	...
To repeal ch. 124 (Constituting clerk of circuit court, Eau Claire county, clerk of county court of said county)	...	....	..	..	....	....	199	..	....	..
To repeal ch. 126 (Fond du Lac charter)	...	....	..	..	153	....	....	....	....	..
To amend ch. 142 (Portage charter)	...	....	....	..	23	468	77	158	129	..
To repeal ch 134 (Apple River Log Driving Company charter)	...	....	....	.	....	72	..	..	..	...
To amend ch. 135 (Swamp lands, Marathon, Clark, Chippewa, Shawano and Oconto counties)	..	...	....	..	232	....	..	..	.	
Repealing ch. 162 (Relating to Wis Nat. Guard)	...	...	..	...	....	.	....		..	292
Repealing ch. 139 (Relating to Wis. Nat. Guard)	....	....	....	....	....	....	....	.	....	292
To amend ch. 167 (Pharmacy)	...	..	....	..	....	146	460	....	..	...
To amend ch. 169 (Green Bay charter)	...	...		..	2	....	....	1 1	20 301	.
To amend ch. 173 (La Cross charter)	...	....	...	..	217	....	311	....	....	...
To amend ch. 180 (Judgments in vacation)	...	....	....	....	101	....	....	....	....	295
To amend ch. 196 (Telephone Companies)	....	....	....	....	..	....	....	....	....	
To amend ch. 199 (Meeting of county boards)	..	.	....	....	..	431	.	....	....	..
To amend ch. 200 (Abandonment)	....	.	....	....	....	422	318	321	....	...
To amend sec. 1, ch. 201 (Fences)	....	....	....	....	....	....	..	278	....	...
To amend ch. 202 (Judgments)	....	....	..	..	....	....	....	....	155	.
To amend ch. 205 (Town insurance companies)	...	....	....	..	168	....	....	....	....	...
To amend ch. 207 (Milwaukee county, under-sheriff)	....	..	....	....	....	....	....	.	301	..
To amend ch. 209 (Beloit charter)	....	.	....	....	....	..	302	....	.	....
To amend ch. 221 (Janesville charter)	..	....	....	..	78	..	164	60 102	460	....
To amend ch. 224 (Dam, St. Croix)	....	....	....	....	....	....	....	215	..	
To amend sec. 1, ch. 226 (Division of towns)	..	....	....	....	287	....	....	.	....	....
To amend secs. 5 and 7 ch. 235 (Wis. Farm Mortgage Land Company)	...	....	....	....	340	....	....	....	....	....
To amend ch. 238 (Monroe charter)	....	....	....	....	128	....	.	....	271	....
To amend ch. 246 (Powers of Village Boards)	....	....	....	....	....	....	....	104	....	....

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 247 (Dams, etc., Wisconsin river)	....	....	....	....	....	....	253	....	....	....
To amend ch. 249 (Secret, charitable and benevolent orders)	....	....	....	....	91	....	42 198 509 534	....	477	....
To amend sec. 1, ch. 250 (Lands sold for taxes)	....	....	....	....	153	....	....	....	....	....
To amend ch. 258 (Assessment of taxes)	....	....	....	....	....	....	....	....	473	....
To amend ch. 268 (Railroads)	....	....	....	....	293	....	....	....	....	....
To amend ch. 271 (Neillsville charter)	....	....	....	....	312	....	366	....	....	....
To repeal ch. 279 (County judge, Kewaunee county)	....	....	....	....	....	14	....	....	....	....
To amend sec. 1, ch. 280 (Formation of joint school districts)	....	....	....	....	....	....	439	....	....	....
To repeal ch. 291 (Tramps)	....	....	....	....	....	....	470	....	....	....
To repeal ch. 301 (Relating to Wis. Nat Guard)	....	....	....	....	....	....	....	....	....	292
To repeal ch. 303 (Life certificates of teachers)	....	....	....	....	....	205	....	....	....	....
To amend ch. 308 (Milwaukee charter)	....	....	....	....	8	....	....	....	....	....
To amend sec. 2, chapter 314 (Legislative employes)	....	....	....	....	316	94	....	....	....	....
To amend sec. 1, ch. 317 (Exemption of Laborers)	....	....	....	....	141	....	....	....	....	....
To repeal sec. 2, ch. 317 (Exemption of Laborers)	....	....	....	....	141	....	....	....	....	....
To amend ch. 319 (Liens on Logs)	....	....	....	....	....	194 469	530	....	....	....
To repeal ch. 321 (State road Taylor, Price and Ashland co nties)	....	....	....	....	136	....	....	....	....	....
To amend secs. 4 and 5, ch. 322 (Sale of Intoxicating liquors)	....	....	....	....	....	438	....	....	....	286
To correct errors in sec. 9, ch. 322 (Sale of Intoxicating liquors)	....	....	....	....	231	....	....	....	....	....
To amend sec. 24, ch. 324 (Milwaukee charter)	....	....	....	....	....	....	420	....	372	....
Same, section 6	....	....	....	....	....	....	....	117	....	....
To amend ch. 325 (Water works in Villages)	....	....	....	....	165	....	....	....	....	....
To amend ch. 328 (Public museum, Milwaukee)	....	....	....	....	....	....	521	....	....	....
1883.										
To repeal ch. 4, (Black River Falls charter)	....	....	....	....	....	....	....	....	24	....
To amend ch. 5 (Merrill charter)	....	....	....	....	191	2 32	15	31	....	....
To repeal ch. 33, (Dam across Straight river, Polk county)	....	....	....	....	....	....	108	....	....	....
To repeal ch. 55, (Free Masons, etc., relating to)	....	....	....	....	....	....	201	....	....	....
To amend ch. 56, (Oconto charter)	....	....	....	....	343	....	....	....	....	....
To amend ch. 69, (Property exempt from execution)	....	....	....	....	....	....	....	....	427	....
To amend ch. 70, (Corporations)	....	....	....	....	....	....	....	....	234 283	....
To amend ch. 84. (Menomonie charter)	....	....	....	....	....	....	129 207	....	144	....
To amend sec. 50, ch. 86. (Edgerton charter)	....	....	....	....	176	....	....	....	....	....
To amend ch. 94, (Secret Charitable and Benevolent Societies)	....	....	....	....	....	458	42 198 509 534	....	477	....
To amend ch. 103, (Milwaukee County Municipal Court)	....	....	....	....	....	....	....	....	228	....
To amend ch. 107, (Court Commissioners)	....	....	....	....	....	....	....	121	....	....
To amend ch. 128, (Monroe charter)	....	....	....	....	....	....	105	....	....	....
To amend ch. 131, (Tomah charter)	....	....	....	....	....	....	406	....	57	....
To amend ch. 151, (Wausau charter)	....	....	....	....	....	....	....	....	200	....
To amend ch. 152, (Fond du Lac charter)	....	....	....	....	....	....	....	....	25	....
To repeal ch. 160, (Auctions, etc.)	....	....	....	....	....	....	824	....	....	....
To amend ch. 167, (Public Health)	....	....	....	....	....	....	291	....	....	270
To amend ch. 171, (Hospitals, Asylums, etc.)	....	....	....	....	....	....	216	....	....	....
To amend ch. 174, (DePere charter)	....	....	....	....	....	....	58	....	444	....

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 175, (Sheboygan Falls, village charter)	....	....	....	....	....	....	144	....	....	....
To repeal ch. 175, (Sparta charter)	..	....	....	..	....	..	....	..	23	....
To amend ch. 178, (Incorporated cities and villages)	..	....	..	..	....	..	....	....	..	114
To amend ch. 180 (Salaries of county officers)	....	..	....	....	..	....	....	....	....	225
To amend sec. 1, ch. 189, (Salaries of County Officers)	..	....	.	..	..	260	....	..	....	....
To amend sec. 1, ch. 204 (Wausau Boom Co)	....	....	....	..	....	....	118	....	....	....
To amend ch. 209, (Dam across Black River)	....	....	....	....	....	88	....	....	....	....
To amend ch. 214, (Appropriations for Teachers' Institutes)	....	....	....	....	....	....	....	..	462	....
To amend sec. 1, ch. 219, (Attachment and Garnishment)	....	....	....	....	850	259	....	....	127	....
To amend ch. 221, (Janesville charter)	....	....	..	....	....	233	213	....	....	....
To repeal ch. 228, (Noxious Weeds)	....	....	..	..	....	382	....	....	....	....
To amend ch. 232, (Lands in Chippewa county)	..	....	..	....	....	....	....	....	....	....
To amend ch. 249 (Attachment and garnishment)	....	....	....	..	....	....	....	..	....	....
To amend sec. 1, ch. 237, (Public Watering Places)	....	....	....	..	....	21	....	....	19	....
To amend ch. 251, (Text Books)	....	....	....	....	....	....	....	....	308	....
To amend sec. 85, ch. 252, (Kewaunee charter)	....	....	....	....	....	....	272	....	....	....
To amend ch. 258, (Railroad Map)	....	....	..	....	....	....	22	573	....	....
To repeal ch. 263, (Reversion of Land, Brown Co.)	....	....	....	....	....	395	....	....	....	....
To repeal ch. 267, (Log Marks)	....	....	....	....	....	....	....	441	....	....
To amend ch. 273, (Free High Schools)	....	..	....	....	....	420	....	....	....	....
To amend ch. 276, (Spur and branch R.R. tracks)	....	....	....	....	....	....	....	....	....	188
To amend ch. 280, (Marshfield charter)	....	....	....	....	....	....	274	....	....	....
To amend ch. 291, (State Board of Supervision, etc.)	....	....	....	....	....	....	....	....	221	....
To amend ch. 294, (Trust Companies)	.	....	....	....	....	33	....	....	....	....
To repeal ch. 294, (Trust Companies)	....	....	....	....	....	....	....	....	263	....
To amend ch. 298, (Common schools, reports to state superintendent)	....	....	....	....	....	..	....	154 155 156 870	..	....
To repeal ch. 303 (Free High Schools)	..	....	....	....	....	420	....	..	....	....
To amend ch. 304, (Family Protective Association)	....	....	....	....	....	....	204	....	....	....
To repeal ch. 314, (Change of Place of Trial)	....	....	....	....	....	41	....	....	..	....
To amend ch. 320, (Printing and Distribution of Reports of State Officers et al)	...	....	....	....	..	303 435	63	526	309	....
To amend ch. 322, (Sale of Swamp Lands in Sauk and Columbia Counties)	....	....	....	..	....	....	252	....	....	....
To amend ch. 324, (Bridge across Wolf river)	..	....	....	....	....	....	307	....	..	....
To amend ch. 325, (Free High Schools)	....	....	....	....	....	243	....	....	....	....
To amend ch. 328, (Milwaukee museum)	....	....	....	....	....	....	433	....	....	....
To amend ch. 341, (Sturgeon Bay charter)	....	....	....	....	....	....	....	....	134	....
To repeal ch. 342, (Tramp laws)	....	....	....	....	....	....	470	....	....	....
To amend ch. 345, (Telegraph companies)	....	....	....	....	....	337	232	....	..	....
To amend ch. 349, (Liens)	....	..	....	....	....	..	451 466	....	....	....
To amend ch. 352, (Swamp lands, drainage of)	....	....	....	....	....	....	....	....	450	....
To amend ch. 353, (Sleeping car companies)	....	..	....	....	....	415	....	..	....	....
To amend ch. 351, (Assessment of taxes)	....	....	....	....	....	....	....	..	473	....
To amend ch. 57, (Register of Probate, Fond du Lac county)	.	..	....	....	....	....	....	.	..	45
1885.										
To amend ch. 2, (Merrill charter)	..	....	....	....	....	32	15 533	..	....	....
To amend ch. 7, (Appropriation teachers' institutes)	....	..	....	....	..	....	....	....	462	....
To amend ch. 9, (Agricultural institutes)	....	..	....	....	....	..	62	....	....	....
To repeal ch. 18, (Burial of ex-Union soldiers)	....	..	....	....	....	....	385	....	..	....
To repeal ch. 19, (Free Masons and Similar Societies)	....	....	....	....	.	....	204	....	....	....
amend ch. 32, (Merrill charter)	....	....	....	....	....	..	....	....	42	....

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 33, (Trust companies)	....	....	....	....	....	....	158	....	....	....
To repeal above ch. 33	....	....	....	....	....	....	....	....	263	....
To amend ch. 37, (Kewaunee charter)	....	....	....	....	....	....	458	46	....	....
To amend ch. 38, (Chippewa Co., Municipal court)	....	....	....	....	....	....	....	....	295	....
To amend ch. 47, (Preservation of fish, Racine county)	....	....	....	....	....	....	536	....	....	....
To amend ch. 54, (Viroqua charter)	....	....	....	....	....	160	130	....	1 246	....
To amend ch. 60, (Vacation of plats)	....	....	....	....	....	....	279	....	....	....
To amend ch. 73, (Augusta charter)	....	....	....	....	....	....	156	....	10	....
To amend ch. 75, (Dam on Namakagon river)	....	....	....	....	....	....	154	....	....	....
To amend ch. 76, (Alma river)	....	....	....	....	....	358	....	....	....	....
To amend ch. 79, (Antigo charter)	....	....	....	....	....	323	173	....	....	....
To repeal ch. 80, (Sparta charter)	....	....	....	....	....	....	....	....	23	....
To amend ch. 83, (Beaver Dam charter)	....	....	....	....	....	....	....	....	19	....
To amend ch. 87, (County board)	....	....	....	....	....	....	....	....	461	....
To amend ch. 90, (Swamp lands)	....	....	....	....	....	....	....	....	121	....
To amend ch. 92, (De Pere charter)	....	....	....	....	....	....	....	....	444	....
To amend ch. 93, (Common schools)	....	....	....	....	....	....	....	....	....	56
To amend ch. 99, (West Bend charter)	....	....	....	....	....	....	....	....	....	51 52
To amend ch. 106, (Janesville charter)	....	....	....	....	....	136	....	....	....	....
To amend ch. 110, (Court Commissioners)	....	....	....	....	....	....	....	121	....	....
To amend ch. 129, (Practice of Dentistry)	....	....	....	....	....	....	102	....	....	....
To amend ch. 130, (Mayville charter)	....	....	....	....	....	....	111	....	....	....
To amend ch. 135, (Terms of Court, Eighth Circuit)	....	....	....	....	1	....	....	....	326	....
To amend ch. 138, (Drains)	....	....	....	....	....	....	330	....	....	....
To amend ch. 140, (Cumberland charter)	....	....	....	....	....	....	....	....	98	....
To repeal ch. 152, (Banks)	....	....	....	....	....	....	....	523	....	....
To amend ch. 154, (Chippewa Falls charter)	....	....	....	....	....	....	....	....	356	....
To amend ch. 159, (Shawano charter)	....	....	....	....	....	....	....	....	36 151	....
To provide when ch. 163 shall take effect, (Black River Falls)	....	....	....	....	....	238	....	....	....	....
To amend ch. 163, (Black River Falls charter)	....	....	....	....	....	....	247	....	24	....
To amend ch. 164, (Chippewa Falls charter)	....	....	....	....	....	....	255	....	337 382	....
To amend ch. 175, (Steam Road Wagons, etc)	....	....	....	....	....	....	....	509	....	....
To amend ch. 184, (Chippewa Falls bonds)	....	....	....	....	....	....	....	....	196	....
To amend ch. 187, (Bridges)	....	....	....	....	....	....	....	508	....	....
To amend ch. 195, (Madison charter)	....	....	....	....	....	326	269	244	....	....
To amend ch. 196, (Milwaukee)	....	....	....	1	....	....	....	36	....	....
To amend ch. 197, (Hudson charter)	....	....	....	....	....	....	....	17	415	....
To repeal ch. 217, (Assessment of Taxes)	....	....	....	....	....	....	332	....	....	....
To amend ch. 218, (Chattel Mortgages)	....	....	....	....	....	....	268	....	....	....
To repeal part ch. 220, (Plymouth charter)	....	....	....	....	....	....	....	....	172	....
To amend ch. 227, (Whitewater charter)	....	....	....	....	....	....	121	....	405	....
To amend ch. 235, (Collection of Highway and Sidewalk Taxes in Villages)	....	....	....	....	....	....	78	....	....	....
To amend ch. 260, (Salaries of Co. Officers)	....	....	....	....	....	....	....	....	....	225
To amend ch. 279, (Toll Bridge across Wisconsin River)	....	....	....	....	....	....	2	....	....	....
To amend ch. 285, (Tax Levy for Bridge)	....	....	....	....	....	135	....	....	....	132
To amend ch 287, (Common School Fund)	....	....	....	....	....	....	....	....	389	229
To amend sec. 2, ch. 296, (Intoxicating Liquors)	....	....	....	....	....	....	404	....	....	286
To repeal ch. 291, (Auctions and Auctioneers)	....	....	....	....	....	....	334	....	....	....
To repeal ch 297, (Green Bay charter)	....	....	....	....	....	....	311	....	....	....
Repealing ch. 298, (Relating to National Guard)	....	....	....	....	....	....	....	....	....	292
To amend ch. 306, (Notice of time to redeem from tax sale)	....	....	....	....	....	....	416	....	....	....
To amend ch. 312, (Liens)	....	....	....	....	....	....	535	321	321	....
To amend ch. 315, (Deaf Mutes)	....	....	....	....	....	....	40	....	....	....
To amend ch. 322, (Lake Geneva charter)	....	....	....	....	....	....	256	....	....	....
To amend ch. 330, (Board of Charities and Reform)	....	....	....	....	....	....	408	....	....	....
To repeal ch. 339, (Tramp Law)	....	....	....	....	....	....	470	....	....	....
To amend ch. 345, (Highways and Bridges)	....	....	....	....	....	....	285	....	....	....
To amend ch. 349, (Part Liens)	....	....	....	....	....	....	4661	....	....	....

General Laws.	1879	1880	1881	1883	1885	1885	1887	1889	1891	1893
To amend ch. 374, (Officers to be elected at village charter election)	...	....	...	....	....	...	...	16	...	...
To amend ch. 377, (Dependent Children)	..	....	....	..	...	..	....	}	243 259	....
To amend ch. 381, (Municipal Court, Chippewa County)	....	..	...	....	..	....	510	89	..	...
To amend ch. 384, (Sale of Cranberries)	...	..	....	....	....	...	330	..	...	....
To amend ch. 389, Inspectors of Elections)	...	....	....	..	...	...	16	62	..	...
To amend ch. 395, (Insurance Companies)	....	....	....	....	..	...	517	...	..	.
To repeal sec. 2, ch. 395, (Prosecution for Penalties)	...	....	....	....	.	...	517	..	....	...
To amend ch. 399, (Gambling at Agricultural Fairs)	....	....	....	....	....	..	181	..	..	....
To amend ch. 401, (Justices of the Peace, Manitowoc)	...	....	..	....	....	....	280	..	....	...
To amend sec. 1, ch. 410, (Conferring powers on mayor, Milwaukee)	.	...	..	...	....	....	..	408	..	..
To amend ch. 411, (Oneida county)	...	....	....	....	....	....	153	..	....	....
To amend ch. 421, (Town Insurance Companies)	..	....	....	....	....	....	217	..	....	..
To amend ch. 432, (Sewerage Tax, Milwaukee)	....	....	....	....	....	....	519	...	..	....
To amend 437, (Ag't Societies)	...	..	....	....	....	437	....	..	....	250
To amend ch. 438, (Sale of Liquors)	....	....	.	....	....	..	288	447	..	....
To amend ch. 439, (Wisconsin National Guard)	..	....	.	....	....	....	....	..	344	....
To repeal ch. 442, (Drainage in Dane county)	...	....	....	....	....	....	525	383	..	....
To repeal ch. 444, (Public Lands)	..	....	....	....	....	.	....	..	320	....
To amend ch. 449, (Guaranty of official bonds, etc)	..	..	....	..	....	....	..	....	....	196
To repeal ch. 455, (Fish)	...	....	....	....	....	.	520	....	....	....
To amend ch. 458, (Secret, Charitable and Benevolent Insurance Companies)	....	....	....	....	....	{	42 198 509	....	.. 477	....
To amend ch. 464, (Elections, counting and preservation of ballots)	...	....	....	....	....	....	534 370	....	 413	....
To amend ch. 467, (State Veterinarian)	....	....	....	....	.	....	76	....	....	....
To amend ch. 467, (Liens on logs, etc)	..	....	....	....	..	..	530	....	..	....
To amend sec. 1, ch. 471, (Brook Trout)	...	....	....	....	....	....	368	..	....	....
1887.										
To amend ch. 1, (Wisconsin Odd Fellows Mutual Life Insurance Company)	..	...	....	....	....	....	....	..	363	....
To amend ch. 19, (Register Probate, Rock county)	....	....	....	....	.	....	.	....	43	..
To amend ch. 22, (Railroad map)	....	....	....	.	....	....	....	373	....	....
To amend ch. 42, (Benevolent Ins. Co's)	....	....	....	....	....	..	534	....	477	....
To amend ch. 49, (Onalaska charter)	....	.	....	....	....	....	398	131	....	....
To amend ch. 53, (DePere charter)	....	....	....	....	....	....	....	....	444	....
To amend ch. 57, (Seymour charter)	....	....	....	....	....	....	....	....	72	....
To amend ch. 74, (Richland Center charter)	....	....	....	....	....	..	....	{ 80 { 81	....	....
To amend ch. 91, (Bridge, Menomonee river)	..	....	....	....	....	..	474	....	....	....
To repeal ch. 100, (Ripon water-works)	....	.	....	....	....	..	..	325	....	....
To amend ch. 115, (Cemetery Associations)	..	..	....	....	....	....	..	....	237	....
To amend ch. 120, (Appleton charter)	....	....	....	....	....	....	....	.	466	....
To amend ch. 124, (Sheboygan charter)	....	....	.	....	....	....	....	....	276	...
To amend ch. 125, (Superior Court, Milwaukee county)	...	..	....	..	....	....	..	....	67	....
To amend ch. 127 (Ashland charter)	.	....	....	....	....	....	403	27 410	103	....
To amend ch. 128 (Reedsburg charter)	..	....	....	....	....	....	....	....	22	....
To repeal sec. 20, ch. 129 (Menomonie charter)	....	....	....	....	....	....	207	....	....	....
To amend ch. 138 (County Insane Hospitals)	..	....	....	....	....	....	....	..	363	160
To repeal ch. 145 (Sparta charter)	.	....	....	....	....	....	....	....	22	....
To amend ch. 147 (Mauston charter)	....	....	....	....	....	....	....	29	....	....
To amend ch. 149 (Prescott charter)	....	..	..	....	....	....	....	43	147	....
To amend ch. 157 (Cheese)	....	....	....	....	....	....	....	344	....	....
To amend ch. 158 (Trust companies)	..	....	....	....	....	....	....	....	263	..
To amend ch. 162 (LaCrosse charter)	....	..	....	....	....	....	356	492	16 17 423	....

GENERAL LAWS.	1879	1880	1881	1883	1883	1885	1887	1889	1891	1893
To amend ch. 167 (Barron county municipal court)	...	...	...	...	...	...	...	...	87	...
To amend ch. 167-8 (Municipal court, Barron county)	...	...	...	...	...	...	..	...	91 92	
To amend ch. 168 (Third municipal court, Barron county)	...	...	...	...	..	...	...	...	417	...
To amend ch. 169 (Drainage Racine and Walworth counties)	...	...	...	...	..	...	...	329	...	...
To amend ch. 175 (Shawano charter)	...	...	..	...	...	...	..	....	158	...
To amend ch. 192 (Title by descent)	..	...	...	...	...	...	...	227	....	28
To amend ch. 194 (Rap-)	...	..	...	...	...	...	..	368	...	..
To amend ch. 198 (Charitable and Benevolent Ins. Co.)	...	..	...	...	...	...	..	....	477	...
To repeal ch. 202 (Reg. Probate, Winnebago county)	...	...	..	...	...	...	...	....	125	...
To repeal ch 213 (Plank and turnpike corporations)	...	..	...	...	...	...	...	269	....	...
To amend ch. 214 (Abduction, etc., of women)	...	..	....	...	...	...	}	396	....	...
							}	420		
To amend ch. 234 (Racine county Reg. in Probate)	...	...	...	...	...	...	..	...	290	...
To amend ch. 237 (Municipal court, Rock county)	...	...	...	...	...	...	...	...	315	...
To amend ch. 239 (Lincoln county municipal court)	...	...	..	...	...	..	...	...	71	05
To amend ch. 240 (Deception in cheese)	..	..	...	...	...	...	...	455	...	...
To amend ch. 243 (Dam in Wisconsin river)	...	...	...	...	...	...	...	...	...	143
To amend ch. 248 (Milwaukee charter)	...	...	...	...	...	...	498	...	...	...
To repeal ch. 250 (Ballots)	..	...	..	...	...	...	...	...	413	....
To amend ch. 252 (Durand charter)	..	...	..	...	...	...	393	401	...	...
To amend ch. 257 (Rice Lake charter)	...	...	...	...	.	...	..	47	44	....
To amend ch. 270 (Forest county)	...	.	...	...	...	...	..	505	39	..
To amend ch 274 (Marshfield charter)	..	...	...	...	...	...	...	....	160	....
To amend ch. 278 (Punishment of larceny)	...	...	...	...	...	...	...	...	....	43
To repeal ch. 283 (Board of review)	...	..	...	...	...	...	...	138	..	...
To repeal ch. 289 (Register in probate, St. Croix county)	...	...	...	...	...	..	...	61	...	...
To amend ch 291 (Public health)	.	...	..	...	...	...	..	...	...	270
To amend ch. 297 (Report of school boards)	..	..	...	...	...	...	..	...	....	215
To repeal ch. 301 (Soldiers' relief)	...	...	...	...	...	...	...	339	...	...
To amend ch. 305 (Local Fire Ins. Cos)	...	...	...	...	...	..	...	211	..	...
To amend ch. 312 (Municipal court, Oneida county)	...	...	...	...	...	...	...	...	319	...
To amend ch. 313 (Noxious weeds)	..	...	..	...	...	...	...	432	.	...
To amend ch. 315 (Cemeteries)	...	.	..	...	...	...	...	...	...	51
To amend ch. 318 (Abandonment)	...	..	..	...	...	...	...	321	...	..
To amend ch. 331 (Altoona charter)	...	...	...	...	...	...	387	...	...	.
To amend ch. 352 (Corporations)	...	...	...	...	...	...	...	...	274	....
To amend ch. 353 (Custody of children)	....	..	...	...	...	...	...	200	...	...
To amend ch. 358 (Clerk, state superintendent)	...	...	...	...	...	...	...	...	465	....
To amend ch. 360 (Election returns)	...	...	...	...	...	...	...	308	...	...
To amend ch. 367 (Circuit judge subscribe for law reports)	.	...	....	...	...	..	....	187	...	...
To amend ch. 369 (Care or insane)	...	...	...	...	...	...	}	76	....	...
							}	139		
To repeal ch. 370 (Ballots)	....	...	...	...	...	...	...	...	413	....
To amend ch. 374 (Game)	..	...	...	...	...	...	...	..	460	. .
To amend ch. 375 (Protection of fish, etc.)	....	...	...	...	...	...	}	465	....	...
							}	486		
To amend ch. 378 (Municipal court, Milwaukee county)	....	...	...	...	...	...	...	....	336	...
To amend ch. 393 (Dane county register of probate)	..	..	...	...	..	..	...	..	78	
To amend ch. 394 (National Guards)	.	...	...	...	...	...	...	....	....	292
To amend ch. 403 (State board of supervision)	....	...	...	...	...	...	...	...	221	...
To amend ch. 409 (Berlin charter)	...	...	...	...	...	...	...	337	14	...
To repeal ch. 412 (Fish)	...	...	...	...	...	...	...	371	..	....
To amend ch. 424 (Town Ins Cos.)	...	..	...	...	...	...	...	212	....	....
To amend ch. 426 (School libraries)	....	...	...	...	...	...	..	298	....	....

General Laws.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 431 (Drainage of land in Calumet and Manitowoc counties)									460	
To amend ch. 441 (Liens)								468		
To amend ch. 443 (County courts)									85	
To amend ch. 447 (Milwaukee bonds)								25		
To amend ch. 450 (Milwaukee boulevards)									426	
To amend ch. 452 (National Guard)										252
To amend ch. 456 (Fish and game)								414	436	
To amend ch. 462 (Salaries police department Milwaukee)								135		
To repeal ch. 468 (Terms court 12th circuit)								120		
To repeal ch. 475 (Apportionment Burnett Co)								467		
To amend ch. 495 (Drainage of swamp, etc., lands)									432	
To amend ch 498 (Milwaukee charter)									66	
To amend ch. 506 (Court commissioners)								121		
To amend ch. 509 (Benevolent Ins. Co)									477	
To amend ch 510 (Dunn, Eagle River)								270		
To amend co. 515 (Wisconsin Veterans Home)								265		
To amend ch. 520 (Fishing, Lake Superior)								453	233	
To amend ch. 524 (Milwaukee charter)								290	436	
To amend ch. 525 (Drainage, Dane county)								383	9	
To amend ch. 528 (Drainage Beaver Dam river)								439		
To amend ch. 535 (Liens)									321	
To amend ch. 543 (Elections)								199		
To amend ch. 551 (Charitable trusts)									259	
1889.										
To amend ch. 2 (Grand Rapids and Centralia bridge)									150	
To repeal ch. 4 (State public school)									259	
To amend ch. 12 (Milwaukee tax sewerage district)								97		
To amend ch. 13 (Baraboo charter)								86		
To amend ch. 16 (Village elections)									269	
To amend ch. 19 (Milwaukee charter)								170		
To amend ch. 27 (Ashland charter)								410	103	
To amend ch. 37 (La Cross bridge)									135	
To repeal ch. 63 (Dunn county municipal court									136	
To repeal ch. 94 (Municipal court Ashland Co)										241
To amend ch. 107 (Shullsburg charter)									146	
To amend ch. 715 (Green Bay charter)									20	
To amend ch. 134 (Onalaska charter)									305	
To amend ch. 152 (Superior charter)									124	
To amend ch. 177 (Chippewa Falls charter)									337	
To amend ch. 179 (Wisconsin Humane Soc'ty)									292	
To amend ch. 181 (Douglas county municipal court)									61	112
To amend ch. 183 (Marinette charter)								384	162	
To amend ch. 184 (Eau Claire charter)									481	
To amend ch. 186 (Interest on foreclosure judgments)									303	
To amend ch. 189 (Shawano charter)									163	
To amend ch. 211 (Local insurance companies)									296	
To amend ch. 212 (Town insurance companies)									314	
To repeal ch. 214 (Reg. probate, Winnebago county)									135	
To amend ch. 215 (St. Croix river)									478	
To amend ch. 216 (Dodgeville charter)									301	
To amend ch. 227 (Title by descent)										28
To amend ch. 228 (Commitment of insane)									175	
To amend ch. 244 (Madison charter)									319	
To amend ch. 248 (Elections, etc)								404	379	
To repeal ch. 248 (Election laws)									329	
To repeal ch. 260 (County courts)									341	
To repeal ch. 271 (Property rights of married women)									376	
To amend ch. 279 (Interest on trust funds)									143	
To amend ch. 284 (Agr'l socities)										241
To repeal ch. 315 (Municipal court Ashland Co										250
To amend ch. 332 (New Lisbon charter)									86	

GENERAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 333 (Liens)	...	..	....	....	....	....	....	....	321	..
To amend ch. 236 (Dam on Wisconsin river)	...	...	....	....	....	....	....	....	....	209
To amend ch. 239 (Indigent soldiers)	...	...	..	....	....	....	....	....	250	....
To amend ch. 340 (Swamp lands)	....	...	...	....	....	....	....	....	121	...
To amend ch. 350 (Terms of court 8th circuit)	..	..	..	....	....	....	....	..	336	...
To amend ch. 383 (Drainage, Dane county)	....	...	....	....	....	412	....	....	9	142
To amend ch. 348 (National Guard)	...	...	....	....	....	....	....	....	....	292
To amend ch. 385 (Insolvent debtors)	..	....	....	....	....	....	....	....	88	....
To amend ch. 404 (Defects in records)	...	..	..	....	..	..	....	..	288	....
To repeal certain secs. of ch. 413 (Liens on logs)	....	....	..	....	....	....	....	..	139	...
To repeal part of ch. 414 (Fish and Game wardens)	....	...	..	..	.	....	....	....	433	...
To amend ce. 432 (Noxious weeds)	..	....	..	....	....	....	....	....	217	145
To amend ch. 443 (Game laws)	...	...	....	....	....	....	.	..	351 203	...
To amend ch. 450 (Milwaukee limits)	...	....	....	....	....	....	....	....	83	..
To amend ch. 452 (Dairy and Food Com)	..	..	....	....	....	....	....	....	....	109
To amend ch. 553 (Nets in Lake Superior)	....	..	.	....	....	....	....	....	291	....
To repeal ch. 455 (Cheese)	...	....	....	....	....	....	....	....	264	....
To amend ch. 460 (Record of Plats)	..	...	....	..	..	....	....	....	....	161
To amend ch. 462 (Wisconsin river bridge at Grand Rapids)	....	....	..	..	....	..	....	....	239	...
To amend ch. 464 (Division of towns)	...	....	..	..	..	..	....	....	406	....
To amend ch. 466 (Free high schools)	...	....	....	....	....	....	....	....	382	....
To repeal ch. 494 (Election law)	...	....	....	....	....	....	....	....	379	....
To amend ch. 468, (Lien law)	....	....	....	....	....	....	....	....	383	....
To amend ch. 477, (Fishways in Rock river)	....	..	..	....	....	....	....	....	345	....
To amend ch. 496, (County courts)	....	..	....	....	....	....	....	.	341	171
To amend ch. 505, (Forest county)	...	....	....	....	..	....	....	....	39	....
To repeal ch. 519, (Concerning Education, etc., of children)	...	....	....	....	....	..	.	..	4	....
To amend ch. 521, (Local option)	....	..	....	....	....	....	....	..	327	....
To amend ch. 522, (Legislative employes)	..	....	....	....	.	....	.	..	385	....
To amend ch. 523 (Banks and banking)	....	...	.	.	.	....	....	....	329	...
To amend ch. 525, (Building and loan associations)	..	....	.	....	..	....	....	....	469	...
To amend ch. 526, (Public printing)	...	....	...	....	....	..	....		240 209	
To amend ch. 528, (Milwaukee charter)	..	....	....	....	....	..	..	..	141	...
1891.										
To amend ch. 27, (Guardians and wards)	..	....	....	....	....	....	....	....	....	287
To amend ch. 85, (Columbia county court)	....	....	....	....	....	..	....	..	....	131
To amend ch. 96, (Langlade county Municipal court)	....	....	....	....	....	....	....	....	278	..
To amend ch. 184, (Phongraphic reporter Milwaukee county)	....	.	....	..	....	..	....	....	....	86
To amend ch. 202, (Drainage of Wind lake)	....	..	....	..	....	..	....	....	....	193
To amend ch. 205, (Purchase of Anno. Stats.)	...	..	....	....	..	....	....	....	.	53
To amend ch. 215, (Beef Slough Boom, etc	....	....	....	....	....	....	....	....	..	125
To amend ch. 221, (Abolishing State Board of Supervision)	....	....	....	....	....	....	....	....	....	279
To amend ch. 223, (Milwaukee bridge bonds)	....	....	....	....	....	....	....	....	411	....
To amend ch. 263, (Trust companies)	..	....	....	....	....	....	....	....	425	....
To amend ch. 268, (Religious societies)	..	....	....	....	....	....	....	....	....	74
To repeal ch. 282, (Tunnels for railways)	..	....	....	....	....	....	....	....	....	119
To amend ch. 288, (Defects in recorded instruments)	....	....	....	....	....	....	....	....	....	26
To amend ch. 309, (Distribution of documents)	....	....	....	....	....	....	....	....	....	281
To amend ch. 344, (National Guard)	....	....	....	....	....	....	....	....	....	292
To amend ch. 359, ("Dodge law," repealed)	....	..	....	....	....	....	....	....	....	103
To amend ch. 361, (Exemption from taxation)	....	....	....	....	....	....	....	....	....	182
To amend ch. 377, (Legal holidays)	....	..	....	....	....	..	....	..	....	69
To repeal and revise ch. 379, (Australian ballot system)	....	....	..	....	....	....	....	....	....	288
To amend ch. 380, (State school tax)	..	....	....	....	....	..	....	....	....	229

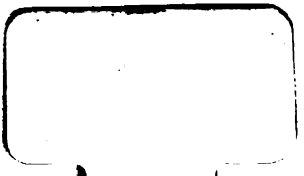
General Laws.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 402, (Income of State Normal schools)	....	...	...	....	....	...	....	...	....	185
To amend ch. 417, (Municipal court, Barrow county)	...	..	....	...	..	...	....	....	...	16
To amend ch. 433, (World's Fair managers)	...	...	..	..	..	...	....	...	...	140
To amend ch. 436, (Fish and Game warden)	...	...	...	...	..	....	....	...	..	237
To repeal ch. 439, (Primary election law)	..	...	....	....	....	....	....	....	....	7
To amend ch. 473, (Assessment of personal property)	..	.	...	..	....	....	....	..	..	179

PRIVATE AND LOCAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
1846.										
To amend act of February 2, (Lisbon Milwaukee Plank Road Company)							351			
1848.										
To repeal act of, authorizing construction of dam on Crawfish river						317				
To amend (Racine Charter)							122			
1849.										
To amend ch. 65, (Wisconsin Bridge Company)								331		
1852.										
To amend ch. 221, (Wisconsin Baptist State Convention)						253				
To amend Milwaukee charter, (Boundaries of City)								437		
1853.										
To repeal act of July 13, (Anglo German Academy, Milwaukee)		61								
To amend ch. 152, (Dam across Wisconsin River)								82		
1854.										
To amend ch. 166, (German and English Academy, Milwaukee)		61								
To repeal secs. 1, 2, 3, ch. 168, (Milwaukee charter)	224									
1855.										
To amend ch. 40, (Charter of Ripon College)										27
1856.										
To amend sec 2, ch. 30, (Mayville Union School District)			24							
To amend act October 11, (Peshtigo Company Charter)				13						
To repeal ch. 294, (Nekoosa Lumbering Co.) inconsistent herewith								53		
1857.										
To amend sec. 3, ch. 170, (Yellow River Improvement Co., Charter)	165									
To repeal ch. 242, (Fire Department City of Janesville)								149		
To repeal ch. 339, (Janesville Chapter)				221						
To amend sec. 3, act of March 2, (Charter of Mutual Life Ins Co.)						199	328			
To repeal sec. 17, ch. 129, (Mutual Life Ins. Co.)							328			
1858.										
To amend ch. 2, of ch. 72, (Ripon Chapter)		266								
To amend ch. 3, of ch. 72, (Ripon Charter)		72								
To amend ch. 28, (Nor. Ev. Lut. Church)										34
1859.										
To amend ch. 58, (Madison Gymnasium)		73								
To amend sec. 1, ch. 95, (Ripon Charter)			81							

PRIVATE AND LOCAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
1860.										
To repeal sec. 1, ch. 56, (School meeting, District No. 4, East Troy)	..	....	...	....	64	...	...	....	...	....
1862.										
To amend ch. 3, (Dam on Oconto River)	...	...	....		....	...	...	...	...	190
To repeal ch. 149, (Publishing notice tax sale Columbia county)	....	...	....	....	..	....	...	501	...	..
1863.										
To amend secs. 2 and 3, ch. 332, (Portage Liederkranz Society)	....	....	....	....	....	..	..	164	..	...
To amend secs. 3, 4, 5, ch. 330, (Eau Claire Wesleyan Seminary)	....	....	23	....	....	....	....	....	....	....
1864.										
To amend ch. 84, (Black River Improvement Co. charter)	....	225	....	263	....	316	....	....	....	..
To amend ch. 365, (Sturgeon Bay and L. M. Ship Canal and Harbor Co.)	....	....	....	29	....	....	....	....	....	....
1865.										
To amend ch. 189, (Milwaukee House of Correction)	....	249	....	....	....	..	....	....	....	....
To amend ch. 233, (City of Watertown)	....	....	....	....	....	95	....	....	....	....
To repeal ch. 351, (Fish Lake Koshkonong)	....	....	....	285	....	....	....	....	....	....
1866.										
To repeal ch. 143, (County Court, Manitowoc county)	....	....	..	....	....	91	....	..	....	....
To amend ch. 171, (Wisconsin River Improvement Co)	..	....	....	....	....	....	....	....	190	...
To amend sec. 2, ch. 204, (De Soto Union School District)	....	..	....	20	....	....	....	..	....	....
To amend ch. 284, (Eau Claire Lumber Co.)	...	22	....	....	....	....	....	....	....	....
To rep al ch. 335, (Abstract Tax Sales, Columbia county)	..	....	104	....	....	....	....	....	....	....
To amend ch. 424, (Kilbourn Mfg. Co.)	....	....	...	...	..	..	.	....	....	..
To amend ch. 504, (Charter Salvanska Lipa Association)	....	....	...	....	....	261	....	..	....	..
To amend ch. 512, (Grant and Richland County Bridge Co.)	...	....	....	..	....	...	.	42	...	....
To amend ch. 232, (Oshkosh and Miss. R. R. R. Co.)	....	....	....	....	....	....	....	....	....	..
1867.										
To amend sub ch. 6, of ch. 111, (Hudson charter)	..	...	257	....	....	...	....	...	...	..
To amend ch. 8, (Kenosha charter)	....	....	...	....	....	....	....	....	255	..
To amend ch. 23, (Wisconsin Baptists)	....	..	...	....	....	....	....	....	28	...
To amend ch. 178, (Eau Claire charter)	...	....	82	....	....	....	....	....	....	....
To amend ch. 182, (To enable the town of Jefferson to settle with its creditors	...	....	....	....	....	....	271	...	....	..
To amend sec. 2, ch. 207, (Tax Brodhead School District)	...	..	....	....	15	....	....	....	....	..
To amend sec. 3, ch 568, (Toll Dam)	...	..	188	..	....	....	....	....	...	..
To amend ch. 207, (Brodhead School District)	...	....	....	....	....	...	....	....	...	9
1868.										
To re-enact and revive ch. 67, (Abstract of Tax Sales)	..	...	....	...	161	...	....	....	....	....
To amend sec. 2, ch. 69, (Grant and Richland County Bridge Co.)	....	..	1	...	....	...	..	....	421	....

PRIVATE AND LOCAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend sec. 5, ch. 76, (Beloit, consolidation of school districts in)	....	54	....	...	....	..	....	....	....	....
To amend chapter 97, (St. Clara Female Academy)	....	....	....	12	....	...	....	....	....	....
To amend ch. 158, (Milwaukee Chamber of Commerce)	....	....	..	...	...	....	....	58	...	....
To amend ch. 218, (County Printing, Portage county)	...	...	...	...	...	466	...	....	...	....
To amend chapter 253, (Beloit charter)	...	....	78	...	....	..	....	....	....	....
To amend sub ch. 13, sec. 3, title IV, ch. 253, (Beloit charter)	..	....	217	..	..	...	..	....	....	...
To amend ch. 398, (Yellow River Improvement Co.)	165	....	...	...	....	....	....	....	....	....
To amend ch. 407, (Kenosha city debt)	....	172	...	...	....	....	....	....	...	...
To repeal secs. 5, 6 and 7, ch. 407, Kenosha city debt)	....	....	..	....	....	84	....	....	...	....
To repeal ch. 490 and acts amendatory, (Charter Apple River Log Driving Co)	....	....	....	r134	....	72	....	...	...	..
To amend ch. 500, (Charter city of Madison)	....	322	..	....	....	...	....	....	....	....
To amend act of February 29 (Charter Chamber of Commerce, Milwaukee)	....	150	....	....	..	..	...	58	....	....
1869.										
To revise, consolidate and amend ch. 43, (Wisconsin Odd Fellows Mutual Life Insurance Co)	....	....	....	...	....	....	1	...	363	...
To amend sec. 1, ch. 243, (Salaries Board of Supervisors, Milwaukee county)	....	....	....	104	....	....	..	....	....	....
To amend ch. 247, (Grand Rapids charter)	....	....	....	...	....	..	...	...	388	....
To repeal in part ch. 452, (Namakagon and Totogatic Dam Co.)	....	...	....	....	...	43 74	344	....	....	...
To repeal ch. 452	..	....	....	....	...	....	..	89	...	....
To amend ch. 467, (Family Protective Association, Milwaukee	...	....	....	....	304	...	203	...	....	..
1870.										
To amend and re-enact ch. 72, (Railroad debt, Watertown, settlement of)	....	....	169	....	....	..	....	....	....	....
To amend sec. 5, ch. 79, (Convict labor, Grand Rapids)	....	....	....	....	..	55	...	....	....	...
To amend sec. 3, ch. 85, (Sheboygan Mutual Benevolent Ass'n)	....	....	..	...	....	300	..	....	....	....
To amend sec. 14, ch. 104, (Pier, Oconto to build)	...	139	....	...	....	...	....	....	...	...
To amend ch. 122, (Mutual Hail Insurance Co.)	83	....	...	...	....	....	..	....	....	...
To revive and keep in force ch. 128, (Ferry, St. Croix river)	....	....	43	....	....	....	...	....	....	....
To amend secs. 1, 2, 11, ch. 282 (Evansville Seminary)	...	133	....	...	....	122	....	...	....	..
To repeal sec. 3, ch. 272, (Evansville Seminary)	....	133	....	....	....	....	....	....	....	....
To re-enact and restore sec. 11, chap. 272, (Evansville Seminary)	..	..	....	....	....	....	..	72	..	...
To amend ch. 275 (Manitowoc city charter)	180	....	....	309	....	....	259	...	95	....
To amend ch. 294 (Madison & Beloit R'y Co.)	91	....	....	...	....	....	...	....	....	....
To amend ch. 372 (Watertown Musical Society)	....	...	....	....	....	....	....	129	....	...
To repeal ch. 456 (List of lands sold for taxes, Outagamie county)	....	....	....	....	....	340	...	....	....	....
To amend sec. 1, ch. 475 (Wis. Bridge Co.)	10	....	..	....	....	....	....	331	....	...
To repeal ch. 495 (Manitowoc charter)	..	....	....	....	....	....	....	....	95	...
1871.										
To amend ch. 45 (Wausau Boom Co.)	..	....	97	....	....	...	118	....	...	....
To amend ch. 116 (Yellow River Improvement Co.)	165	....	...	...	...	...	....	....	..	..
To amend sec. 8, ch. 146 (Lake Geneva Seminary)	....	....	....	....	....	294	....	....	..	....
To amend ch. 189 (Herman's Sons Ins. Co.)	..	..	....	2	..	....	....	....	....	....
To amend ch. 216 (Ferry, Mississippi river at De Soto)	....	190	....	....	....	....	....	....	....	..

PRIVATE AND LOCAL LAWS.	1879	1880	1881	1882	1883	1885	1887	1889	1891	1893
To amend ch. 216 (Ferry, Mississippi river at De Soto)			291							
To amend ch. 250 (Authorizing Guaranty Payment Certain C. & N. W. R'y Bonds)				159						
To amend ch. 250 (Manitowoc charter)							259		95	
To repeal ch. 367 (Authorizing town of Grand Rapids to hold elections and keep office in city)								126		
To repeal ch. 378 (Winneconne village charter)				203						
To repeal part of sec. 1, ch. 417 (Plymouth Lyceum)			317							
To amend ch. 434 (Scandinavian Bro. Assn.)				80						
1879.										
To amend ch. 38, (Dam on Wisconsin river)										213
To amend ch. 176, (Eau Claire City Charter)	57		87							
To repeal ch. 58, (County Printing, Waupaca county	66									
To repeal ch. 70, (Compensation County Judges)						96				
1873.										
To amend ch. 164, (Ft. Howard charter)			215							
To amend ch. 255, (Wausau Boom Co.)							118			
1874.										
To repeal ch. 171, (Fish Lake Koshkonong)				285						
To amend ch. 127, (Menasha Charter)									123	
1876.										
To repeal ch. 92, (Game Law)						392				

NOTE—For amendments to various city charters see Vol. 2, 1891

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